N. J., F. D. 26001–26105 Issued February 1937

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

26001–26105

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 30, 1936]

26001. Adulteration and misbranding of potatoes. Default entered. Product sold and proceeds ordered forfeited. (F. & D. no. 37271. Sample no. 43508–B).

This case involved shipment of potatoes that fell below the grade indicated on the label.

On February 28, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 bags of potatoes at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 19, 1936, by National Fruit & Vegetable Exchange, from Ashland, Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Maine Potatoes Grade U. S. No. 2, Packed by National Fruit & Vegetable Exchange, Inc., Presque Isle, Maine."

The article was alleged to be adulterated in that potatoes below U. S. grade No. 2 had been substituted in part for grade No. 2 potatoes.

The article was alleged to be misbranded in that the statement on the label, "Grade U. S. No. 2", was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. grade No. 2.

Due notice having been given and no claimant having appeared, the court ordered the product sold in view of the fact that it was perishable. On April 6, 1936, default was entered and the court ordered the proceeds of the sale forfeited.

W. R. Gregg, *Acting Secretary of Agriculture.*

26002. Misbranding of vanilla extract. U. S. v. 264 Bottles and 240 Bottles of Vanilla Extract. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 37279, 37280. Sample nos. 53059–B, 53063–B.)

These cases involved vanilla extract that was short in volume.

On March 3, 1936, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 504 bottles of vanilla extract at Fort Benning, Ga., consigned February 8, 1936, alleging that the article had been shipped in interstate commerce by Schloss & Kahn Grocery Co., from Chicago, Ill., charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "$1 Size 8 Fluid Ounces * * * Contents 8 fld. ozs."; (bottle) "Cook's Betty Smart * * * Contents 8 fld. ozs. Pure Vanilla Extract * * * Cook's Food Products Chicago."

The article was alleged to be misbranded in that the statements on the labels, (carton) "8 Fluid Ounces" and "contents 8 fld. ozs.", and (bottle) "Contents 8 fld. ozs.", were false and misleading and tended to deceive and mislead the purchaser since the packages contained less than 8 fluid ounces. The article was alleged further to be misbranded in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package because the quantity stated was not correct.

On June 9, 1936, the Food Materials Corporation, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the court ordered the product released under bond conditioned that it be relabeled under supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

26003. Adulteration of tomato catsup. U. S. v. 24½ Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 37285. Sample no. 60008–B.)

This case involved an interstate shipment of tomato catsup that was found to contain worm debris and to be actively decomposing.

On March 6, 1936, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24½ cases of tomato catsup at Nogales, Ariz., alleging that the article had been shipped in interstate commerce on or about April 15, 1935, by the Crown Products Corporation, from Los Angeles, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article, contained in bottles, was labeled: "Windsor Brand Tomato Catsup Contents 14 Ozs. O. B. Miller Co. Glendale, Calif."

It was alleged in the libel that the article was shipped as and for food and was adulterated in violation of the provision of the Food and Drugs Act that an article of food shall be deemed to be adulterated if it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, in that the article contained worm debris and was active.

On April 13, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26004. Misbranding of canned tomato juice. U. S. v. 64 Cases of Tomato Juice. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37287. Sample no. 53433–B.)

This case involved an interstate shipment of canned tomato juice the cans of which were found to contain less than the measure stated on the label.

On March 5, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 cases of canned tomato juice at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about January 6, 1936, by the Walla Walla Canning Co., from Walla Walla, Wash., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled: "Walla Walla Valley Brand Tomato Juice Contents 3 Qts. 3 Fl. Ozs. Packed by Walla Walla Canning Co. Walla Walla, Washington Produce of U. S. A."

The article was alleged to be misbranded in that the statement on the label, "Contents 3 Qts. 3 Fl. Ozs.", was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On April 10, 1936, the Walla Walla Canning Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

26005. Adulteration and misbranding of preserves. U. S. v. 4 Cases of Alleged Strawberry Preserves, et al. Default decrees entered. Portion of product condemned and destroyed; remainder delivered to charitable institutions. (F. & D. nos. 37296, 37297, 37360. Sample nos. 60966–B, 60967–B, 61006–B, 61007–B, 61008–B.)

These cases involved alleged preserves that were deficient in fruit, that contained an excess of sugar, and most of which also contained added pectin.

On or about March 5 and March 18, 1936, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7½ cases of alleged preserves at Hartford, Conn., and 14 cases of alleged preserves at New Haven, Conn., and 140 jars of alleged preserves at Bridgeport, Conn., charging that the articles had been shipped in interstate commerce on or about October 8, 1934; August 20, September 13, and October 3, 1935; and Jan-

uary 15 and January 17, 1936, by Brook Maid Food Co. Inc., from Brooklyn N. Y., and that they were adulterated and misbranded in violation of the Food and Drugs Act. The articles were variously labeled in part: "Brook-Maid Brand * * * Pure Preserves Strawberry [or "Raspberry Apple"] Brook-Maid Food Co., Brooklyn, N. Y."; "Sunrise Pure Preserves Raspberry [or "Strawberry"] * * * Distributed by Miner, Read & Tullock, New Haven, Conn."

The articles were alleged to be adulterated in that mixtures of fruit and sugar, most of which also contained added pectin, containing less fruit and more sugar than preserves should contain had been substituted for preserves; in that sugar and in most of the products also pectin had been mixed and packed with the articles so as to reduce or lower their quality; and in that the articles had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the respective labels, "Pure Preserves Raspberry", "Pure Preserves Strawberry", and "Pure Preserves Raspberry Apple", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves should contain. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

No claim was entered for the products. On June 9, 1936, the lots seized at New Haven and Bridgeport were ordered delivered to charitable institutions. On June 15, 1936, the lot seized at Hartford was condemned and ordered destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26006. Adulteration of oysters. U. S. v. 15 Gallon Cans of Oysters. Decree of destruction. (F. & D. no. 37304. Sample no. 63056–B.)

This case involved shipment of oysters that were decomposed and contained added water.

On March 4, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 gallon cans of oysters at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about February 15, 1936, by J. J. Scroggins & Co., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that water had been mixed and packed with the article so as to reduce or lower its quality or strength, in that water had been substituted wholly or in part for the article, and in that the article consisted in whole or in part of a decomposed animal substance.

On March 5, 1936, no claimant having appeared and the article having become so decomposed and putrid that it was unfit for food, the court, on petition of the United States attorney, ordered it destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26007. Adulteration and misbranding of olive oil. U. S. v. Twenty-one 1-Gallon Cans, et al., of Olive Oil. Default decree of condemnation. Product turned over to a public institution. (F. & D. no. 37312. Sample no. 57018–B.)

This product consisted of olive oil in gallon, half-gallon, and quart cans, and 2-ounce bottles. Examination showed that the product in the gallon and half-gallon cans and the 2-ounce bottles was adulterated with tea-seed oil; also that the gallon, half-gallon, and quart cans were short in volume.

On March 5, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twenty-one 1-gallon cans, 23 half-gallon cans, and thirty-five 1-quart cans, and 138 bottles of olive oil at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about January 31, 1936, by A. J. Capone Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The bottles were labeled in part: "Cora * * * Pure Imported Olive Oil * * * Distributed by Cora Products Co. New York." The cans were labeled in part "Cora Brand One Gallon [or "Half Gallon" or "One Quart"]."

The article in the gallon, half-gallon cans, and the bottles was alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so

as to reduce or lower its quality or strength; and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

Misbranding of the said adulterated lots was alleged in that the following statements and design, appearing in the labeling, were false and misleading and tended to deceive and mislead the purchaser when applid to a product that contained tea-seed oil: (cans and bottles) "Pure Imported Olive Oil", (cans) "Importato Puro Olio d' Oliva * * * This Olive Oil is guaranteed to be absolutely pure and indisputably better than that of any other origin both for its natural goodness and exceptional purity * * * Questo Olio e garantito di pura oliva. e indiscutibilmente superiore a quello di qualsia si altra origine sia per la sua naturale bonta che per la sua speciale raffinatezza * * * [designs of olive branches]"; and in that the article was offered for sale under the distinctive name of another article, namely, olive oil.

The article in the gallon, half-gallon, and quart cans was alleged to be misbranded in that the following statements on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product that was short in volume, "One Gallon", "Half Gallon", and "One Quart"; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On May 5, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be turned over to a public institution.

W. R. Gregg, *Acting Secretary of Agriculture.*

26008. Adulteration and alleged misbranding of canned salmon. U. S. v. 400 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. no. 37314. Sample no. 54852–B.)

This case involved a shipment of canned salmon that consisted in whole or in part of a decomposed animal substance.

On March 5, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 cases of canned salmon at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about October 25, 1935, by F. A. Gosse Co., from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was variously labeled in part: "Pink Rose Brand Fancy Salmon * * * Finest Quality Pink Salmon"; "Pink Rose Salmon Distributed by F. A. Gosse Co., Seattle, USA."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

The article was alleged to be misbranded in that the statements on the labels, "Fancy Salmon" and "Finest Quality", were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing decomposed salmon.

On June 19, 1936, no claimant having appeared, judgment was entered finding the product adulterated and ordering that it be condemned and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26009. Misbranding of canned tuna. U. S. v. 100 Cases and 100 Cases of Canned Tuna. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37315. Sample nos. 34792–B, 34794–B.)

This case involved shipment of canned tuna that was short in weight.

On March 5, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned tuna at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 9, 1936, by the Coast Fishing Co., from Wilmington, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled in part, "Super Light Meat Tuna Fish, Contents 7 oz. avoir., Distributors, M. J. Caplan Co., Incorporated, Lawrence, Mass."; and a portion was labeled in part, "Sun Harbor Brand California Light Meat Tuna, Net Contents 7 oz. Packed by Cohn-Hopkins, Inc., Quality Packers, San Diego, Calif."

The article was alleged to be misbranded in that the statements, "Contents 7 oz. avoir." and "Net Contents 7 oz.", borne on the respective labels, were false and misleading and tended to deceive and mislead the purchaser when applied to a product packed in cans containing less than 7 ounces; and in that

the product was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On April 6, 1936, Cohn-Hopkins, Inc., San Diego, Calif., having appeared as claimant for the article and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

26010. Adulteration and misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Default decree of condemnation. Product sold at public sale. (F. & D. no. 37316. Sample no. 65637–B.)

This case involved an interstate shipment of potatoes which were inferior to the grade represented.

On March 5, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 sacks of potatoes at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 24, 1936, by the Aroostook Production Credit Association, from Masardis, Maine, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: (Stenciled on the sacks) "Leader Brand Aroostook County Maine Potatoes 100 lbs. Net"; (tag on sacks) "Maine Potatoes Grade U. S. No. 2 Packed by National Fruit and Vegetable Exchange, Inc. Presque Isle, Maine."

The article was alleged to be adulterated in that potatoes below U. S. grade No. 2 had been substituted wholly or in part for U. S. grade No. 2 potatoes, which the article purported to be. The article was alleged to be misbranded in that the statement on the tags, "Grade U. S. No. 2", was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. grade No. 2.

On April 6, 1936, no claimant having appeared, and the product being perishable and having been sold at public sale and the proceeds paid into the registry of the court to await the final outcome of the proceeding, pursuant to an order of the court, judgment of forfeiture of said proceeds was entered and it was ordered that the same be paid into the Treasury of the United States.

W. R. Gregg, *Acting Secretary of Agriculture.*

26011. Adulteration of canned salmon. U. S. v. 12 Cartons, 221 Cases, and 20 Cases of Salmon. Decrees of condemnation. Portion of product released under bond conditioned upon separation and destruction of decomposed salmon; remainder ordered destroyed unconditionally. (F. & D. nos. 37173, 37319, 37517. Sample nos. 34772–B, 61740–B, 62284–B.)

These cases involved canned salmon that was in part decomposed.

On February 6, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cartons of canned salmon at Los Angeles, Calif. On March 5 and March 31, 1936, libels were filed against 221 cases of canned salmon at San Antonio, Tex., and 20 cases of canned salmon at Scranton, Pa. It was alleged in the libels that the article had been shipped in interstate commerce in part on or about November 16, 1935, and in part on or about December 12, 1935, by Dehn & Co., Inc., from Seattle, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Referee Salmon distributed by Dehn & Company, Inc., Seattle, Washington."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On February 26 and May 18, 1936, no claim having been entered for the lots seized at Los Angeles, Calif., and Scranton, Pa., judgments of condemnation were entered and they were ordered destroyed. On May 20, 1936, Dehn & Co., Inc., having appeared as claimant for the lot seized at San Antonio, Tex., and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the lot be released under bond conditioned in part that the decomposed portion be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26012. Misbranding of Karo sirup. U. S. v. 133½ Cases and 93½ Cases of Karo. Consent decree of condemnation. Product released under bond to be salvaged. (F. & D. no. 37322. Sample nos. 49231–B, 49232–B.)

This case involved a shipment of Karo sirup that was short in weight.

On or about March 19, 1936, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 227 cases of Karo sirup at Pittsburg, Kans., alleging that the article had been shipped in interstate commerce on or about December 30, 1935, by the Corn Products Co., from Kansas City, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "5 Pounds Net Weight Karo Mfd. by Corn Products Refining Co. at Argo, Ill., No. Kansas City, Mo., and Edgewater, N. J."

The article was alleged to be misbranded in that the statement on the labels, "5 Pounds Net Weight", was false and misleading and tended to deceive and mislead the purchaser when applied to a product which was short in weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On June 1, 1936, the Corn Products Refining Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be salvaged under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

26013. Adulteration and misbranding of tomato paste. U. S. v. 63 Cases and 176 Cans of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 37326. Sample no. 52146–B.)

This product was adulterated because of the presence of filth resulting from worm and insect infestation and was misbranded because it was labeled to convey the impression that it was of foreign origin, whereas it was a domestic product.

On March 7, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 cases and 176 cans of tomato paste at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about November 10, 1934, by the Italian Food Products Co., Inc., from Long Beach, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tomato Paste Salsa di Pomidoro Leone Di San Marco Packed for Sausage Mfg. Co. 2127 Penn Ave. Pgh., Pa. * * * Prepared with carefully selected fresh sun-ripened California tomatoes."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

The article was alleged to be misbranded in that the statement, "Salsa di Pomodoro Leone Di San Marco", and the use of the Italian national colors (red, white, and green) in the labeling, were false and misleading and tended to deceive and mislead the purchaser when applied to tomato paste of domestic manufacture since the said statements created the impression that the product was of foreign origin and this impression was not corrected by the relatively inconspicuous statement appearing in a vertical position between the two main panels, "Prepared with * * * California Tomatoes"; and in that the article purported to be a foreign product, whereas it was manufactured in California.

On April 13, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26014. Misbranding of salad oil. U. S. v. Forty 1-Gallon Cans and 22 Half-Gallon Cans of Salad Oil. Default decree of condemnation. Product turned over to a public institution. (F. & D. no. 37327. Sample no. 57017–B.)

This case involved shipment of salad oil that was short in volume.

On March 6, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of forty 1-gallon cans and 22 half-gallon cans of salad oil at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about January 31, 1936, by A. J. Capone Co. Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in

part: "One Gallon [or "Half Gallon"] Buffalo Brand * * * Packed by De Luca Olive Oil Co., Inc., New York."

The article was alleged to be misbranded in that the statements on the label, "One Gallon" or "Half Gallon", as the case might be, were false and misleading and tended to deceive and mislead the purchaser when applied to a product which was short in volume; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On May 5, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be turned over to a public institution.

W. R. Gregg, *Acting Secretary of Agriculture.*

26015. Misbranding of canned cherries. U. S. v. 164 Cases of Canned Cherries. Product released under bond to be relabeled. (F. & D. no. 37341. Sample no. 51495–B.)

This case involved shipment of canned cherries that fell below the standard established by this Department because of the presence of an excessive percentage of pits and which were not labeled to indicate that they were substandard.

On March 10, 1936, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 164 cases of canned cherries at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about January 6, 1936, by the Empire State Pickling Co., from Phelps, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pocahontas Brand Red Sour Pitted Cherries in Water * * * Packed for H. P. Taylor, Jr., Inc., Sole Distributors, Richmond, Va."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it contained an excessive number of pits, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On April 20, 1936, the Empire State Pickling Co., having appeared as claimant for the article, a decree was entered ordering that the product be released under bond conditioned that it be relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

26016. Adulteration of canned salmon. U. S. v. 48 Cases of Salmon. Default decrees of condemnation and destruction. (F. & D. no. 37344. Sample nos. 65106–B, 65134–B.)

This case involved a shipment of canned salmon that was in part decomposed.

On March 10, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 cases of coho salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 26, 1935, by the Ocean Packing Co., from Klawock, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 10, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the article be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26017. Adulteration of canned salmon. U. S. v. 109 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37349. Sample nos. 65109–B, 65132–B.)

This case involved shipment of canned salmon that consisted in whole or in part of decomposed animal substance.

On March 9, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 109 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about August 27, 1935, by the O. L. Grimes Packing Co., from Uzinki, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 18, 1936, O. L. Grimes having appeared as claimant for the article and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it not be disposed of in violation of the Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

26018. Adulteration of canned salmon. U. S. v. 302 Cartons of Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37350. Sample nos. 64974–B, 65136–B.)

This case involved shipments of canned salmon that was in part decomposed.

On March 9, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 302 cartons, each containing 48 unlabeled cans of salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 28 and August 10, 1935, by the Premier Salmon Co., from Stevens Creek, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 16, 1936, the Premier Salmon Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the law.

W. R. Gregg, *Acting Secretary of Agriculture.*

26019. Adulteration of canned salmon. U. S. v. 1,956 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37353. Sample nos. 64969–B, 65135–B.)

This case involved shipment of canned salmon that was in part decomposed.

On March 12, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,956 cases of unlabeled cans of pink salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 6, 1935, by the Herbert L. Dominici Cannery, from Uyak, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 18, 1936, H. T. Dominici having appeared as claimant for the article and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it not be disposed of in violation of the Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

26020. Adulteration and misbranding of peach preserves. U. S. v. 30 Cases of Peach Preserves. Default decree of condemnation and destruction. (F. & D. no. 37356. Sample no. 48083–B.)

This case involved shipment of peach preserves that were deficient in fruit and that contained an excess of sugar and added acid.

On March 12, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of peach preserves at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about January 18, 1936, by Holsum Products from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Silver Buckle Brand * * * Pure Peach Preserves, Distributed by E. R. Codfrey & Sons Co., Milwaukee, Wis."

The article was alleged to be adulterated in that a mixture of sugar and acid had been mixed and packed with the article so as to reduce and lower its quality; in that a mixture of fruit, sugar, and acid, containing less fruit and more sugar than a preserve should contain had been substituted for preserve; and in that a mixture of sugar and acid had been mixed with the article in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement on the label, "Pure Peach Preserves", was false and misleading and tended to deceive and

mislead the purchaser when applied to a product that consisted of a mixture of fruit, sugar, and acid and that contained less fruit and more sugar than a preserve should contain; and in that it was an imitation of and offered for sale under the distinctive name of another article.

On April 28, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26021. Adulteration and misbranding of wine. U. S. v. 180 Cases of Wine. Product released under bond to be relabeled. (F. & D. no. 37359. Sample nos. 56103–B to 56111–B, incl.)

These products were represented to be cherry, peach, strawberry, apricot, or blackberry wines. Examination showed that they were mixtures of grape wine, alcohol, and the fruit named on the label; also that certain lots were short in volume. The label failed to bear a proper declaration of the alcohol content since it was not stated whether the percentage declared referred to volume or to weight.

On March 13, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 180 cases of wine at Cincinnati, Ohio, consigned about December 11, 1935, alleging that the article had been shipped in interstate commerce by the Eastern Wine Corporation, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents 4/5 Quart [or "Contents one pint"] * * * Alcohol 20 per cent Chateau Martin Finest Vintage Cherry [or "Peach", "Strawberry", "Apricot", or "Blackberry"] Wine * * * Prepared and bottled by Eastern Wine Corp. Tulare, Cal. New York, N. Y."

The article was alleged to be adulterated in that a mixture of grape wine, alcohol, and cherry (or peach, strawberry, apricot, or blackberry) flavor had been substituted for cherry, peach, strawberry, apricot, or blackberry wine, which the article purported to be.

The product was alleged to be misbranded in that the statements on the labels, "Cherry [or "Strawberry", "Peach", "Apricot", or "Blackberry"] Wine", and "We Guarantee the contents of this package to be made from fresh fruits * * *", were false and misleading and tended to deceive and mislead the purchaser when applied to a product consisting of grape wine, alcohol, and flavoring; in that the statement on the label, "Alcohol 20 Per Cent", was misleading and tended to deceive and mislead the purchaser since it was ambiguous; and in that the article was an imitation of and offered for sale under the distinctive name of other articles.

All the 4/5-quart bottles and the 1-pint bottles of strawberry wine were alleged to be misbranded in that the statements on the labels, "Contents 4/5 Quart" and "Contents One Pint", were false and misleading and tended to deceive and mislead the purchaser when applied to a product that was short in volume; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On May 21, 1936, the Eastern Wine Corporation, having appeared as claimant and having consented to the entry of a decree, judgment was entered finding the product adulterated and misbranded, and ordering that it be released under bond conditioned that it be relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

26022. Adulteration of shelled walnuts. U. S. v. 25 Cases of Shelled Walnuts. Consent decree of condemnation. Product released under bond. (F. & D. no. 37368. Sample no. 65284–B.)

This case involved a shipment of shelled walnuts that were in part insect-infested, moldy, rancid, and decomposed.

On March 14, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of shelled walnuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about February 29, 1936, by the Herman C. Fisher Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Shelled California Walnuts

* * * Fishers Special Amber. Herman C. Fisher Co., San Francisco, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On April 13, 1936, the Herman C. Fisher Co., having appeared as claimant for the article and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it not be disposed of in violation of the Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*

26023. Adulteration of tomato puree. U. S. v. 11 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 37370. Sample no. 52223–B.)

This case involved shipments of tomato puree that contained excessive mold.

On March 14, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cases of tomato puree at Ashtabula, Ohio, alleging that the article had been shipped in interstate commerce on or about December 12, 1935, and February 24, 1936, by the Girard Canning Co., from North Girard, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Girard Brand * * * Tomato Puree * * * Packed by Girard Canning Co., Erie, Pa."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 14, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26024. Misbranding of beer. U. S. v. 40¾ Cases and 108 Cases of Beer. Product ordered released under bond to be relabeled. (F. & D. nos. 37371, 37435. Sample nos. 68708–B, 68719–B.)

These cases involved shipments of beer that contained less alcohol than the amount indicated on the labels.

On March 16 and March 24, 1936, the United States attorney for the Northern District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 148¾ cases of beer at Tulsa, Okla., alleging that the article had been shipped on or about March 4 and March 17, 1936, by the Peerless Brewing Co., from Washington, Mo., and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled, (main label) "Big 6 Cardinal 'Fully Aged' Beer * * * Peerless Brewing Co., Washington, Mo.", (neck band) "Does not contain more than 6% alcohol by volume"; and a portion was labeled, (main label) "Green Tree 6% Beer. Does not contain more than 6% alcohol by volume. Distributed by Green Tree Breweries, Inc., St. Louis, Mo."

The article was alleged to be misbranded in that the statements, "Big 6", "6% Beer", and "Does not contain more than 6% alcohol by volume", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing 3.89 percent (Green Tree) and 3.59 percent (Big 6 Cardinal), respectively, of alcohol by volume.

On March 26 and March 30, 1936, the Southern Fish & Oyster Co. and the Falstaff Distributing Co., of Tulsa, Okla., having appeared as claimants for respective portions of the article, decrees were entered ordering that the article be released to the respective claimants under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

26025. Adulteration and misbranding of strawberry and pineapple preserves. U. S. v. 381 Jars of Alleged Strawberry Preserves and 117 Jars of Alleged Pineapple Preserves. Default decree of condemnation and destruction. (F. & D. no. 37378. Sample nos. 62620–B, 62621–B.)

This case involved a shipment of alleged preserves that were deficient in fruit and that contained an excess of sugar and added acid and pectin.

On or about March 18, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 498 jars of alleged preserves at Baltimore, Md., alleging that the articles had been shipped in interstate commerce on or about August 1, 1935, by National Kream Co., Inc., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the

Food and Drugs Act as amended. The articles were labeled in part: "King Arthur Pure Preserves Strawberry [or "Pineapple"] * * * Jas. E. Arthur & Son Distributors, Baltimore, Md."

The articles were alleged to be adulterated in that a mixture of sugar, acid, and pectin had been mixed and packed therewith so as to reduce or lower their quality; in that a mixture of fruit, sugar, acid, and pectin that contained less fruit and more sugar than preserves had been substituted for preserves, which the articles purported to be; and in that the articles had been mixed in a manner whereby inferiority had been concealed.

The articles were alleged to be misbranded in that the statement on the label, "Pure Preserves Strawberry" and "Pure Preserves Pineapple", were false and misleading and tended to deceive and mislead the purchaser when applied to products that resembled preserves but which contained less fruit than preserves, the deficiency in fruit having been concealed by the addition of acid, pectin, and excess sugar; and in that the articles were imitations of and offered for sale under the distinctive names of other articles.

On May 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26026. Adulteration and misbranding of preserves. U. S. v. 25 Cases of Preserves. Default decree of condemnation. Product delivered to a public institution. (F. & D. no. 37381. Sample nos. 55517–B, 55518–B, 55519–B.)

This case involved shipments of blackberry, peach, and red raspberry preserves that were deficient in fruit and contained excess sugar. They also contained added pectin or acid or both added pectin and acid.

On or about March 19, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of blackberry, peach, and raspberry preserves at Detroit, Mich., alleging that the articles had been shipped during the month of January 1936, by the J. M. Smucker Co., from Orrville, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Quaker Pure Blackberry [or "Peach" or "Raspberry"] Preserves * * * Lee & Cady Distributors Michigan."

The articles were alleged to be adulterated in that a mixture of sugar and pectin in the case of the blackberry preserves, a mixture of sugar and acid in the case of the peach preserves, and a mixture of sugar, pectin, and acid in the case of the raspberry preserves, had been mixed and packed with the articles so as to reduce or lower their quality; in that said mixtures, containing less fruit and more sugar than preserves should contain, had been substituted for preserves; and in that the articles had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure Blackberry Preserves", "Pure Peach Preserves", and "Pure Red Raspberry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves; and in that they were imitations of and offered for sale under the distinctive names of other articles.

On May 5, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be delivered to a public institution.

W. R. Gregg, *Acting Secretary of Agriculture.*

26027. Misbranding of canned corn. U. S. v. 10 Cases and 400 Cases of Canned Corn. Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. nos. 37383, 37582. Sample nos. 52799–B, 52949–B.)

These cases involved shipments of products sold as Country Gentleman corn of high quality. Examination showed that one lot was Country Gentleman corn of standard quality and that the other lot was corn of a broad-kernel variety of low quality.

On March 26 and April 11, 1936, the United States attorney for the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 410 cases of canned corn at Quincy, Ill., alleging that the article had been shipped in interstate commerce, in part on or about January 20, 1936, and in part on or about

March 5, 1936, by Otto Billman & Co., Inc., from Morristown, Ind., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ski-High Brand Country Gentleman Little Kernel Sugar Corn * * * High in Name and Quality * * * Packed by Otto Billman & Co., Inc., Morristown, Ind."

Adulteration was alleged with respect to one lot in that the statement on the label, "High in Quality", was false and misleading and tended to deceive and mislead the purchaser, since the product was not high in quality but was of standard quality. Adulteration was alleged with respect to the remaining lot in that the statements on the label, "Country Gentleman Little Kernel Sugar Corn * * * High in Quality", were false and misleading and tended to deceive and mislead the purchaser since the product was not Country Gentleman corn but was canned corn of one of the broad-kernel varieties and was of low quality. Misbranding of the latter lot was alleged for the further reason that it was offered for sale under the distinctive name of another article.

On May 5 and May 22, 1936, George Kiefer, Quincy, Ill., having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

26028. Adulteration and misbranding of dog and cat food. U. S. v. 200 and 400 Cases of Dog and Cat Food. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37387. Sample no. 46878-B.)

These cases involved dog and cat foods which were represented to contain substantial amounts of fresh, lean, solid red meat and choice cuts of meat. Examination showed that they consisted chiefly of barley and carrots and that they contained some crushed bone and other substances. They contained approximately 2 percent of meat products.

On or about March 19, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of dog and cat food at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 24, 1936, by the Animal Foods Co., from San Jose, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The shipment consisted of two brands, labeled in part: "Bar-None Brand Food for Dogs & Cats * * * Packed by Bar-None Sales Co., San Jose, Calif."; "Favorite Dog and Cat Food * * * Packed by Animal Foods Company, San Jose, Calif."

The Bar-None brand was alleged to be adulterated in that barley and carrots with pieces of crushed bone and pieces of the stomachs of ruminants, a small amount of skeletal muscle and added water had been mixed and packed with the article so as to reduce or lower its quality; and in that said substances had been substituted for fresh, lean, solid red meat and choice cuts of fresh meat, which the article purported to contain. The Favorite brand was alleged to be adulterated in that barley, carrots, crushed bones, and added water had been mixed and packed with the article so as to reduce or lower its quality; and in that said substances had been substituted for fresh, lean, solid red meat and choice cuts of fresh meat, which the article purported to contain.

The article was alleged to be misbranded in that the following statements on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product of the composition found: (Bar-None brand) "You know in advance what each can contains. Every ingredient of known quality and guaranteed in plain language. Guaranteed Ingredients. Fresh, lean, solid red-meat: cracked potted barley: meat-meal: bone-meal: carrots: wheat-bran and charcoal. The fresh meat used contains the choice cuts"; (Favorite brand) "This quality guarantee removes all doubt * * * Assures protection for your pets because every ingredient is shown in plain language. Made of fresh lean solid red-meat: cracked potted barley: meat-meal: bone-meal: carrots: wheat-bran and charcoal. The fresh meat used contains the choice cuts."

On May 19, 1936, claimant having appeared and filed an answer, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

26029. Misbranding of oysters. U. S. v. 357 Cans of Oysters. Default decree of condemnation and destruction. (F. & D. no. 37391. Sample nos. 68170–B, 68171–B.)

This case involved a shipment of oysters that was short in volume.

On March 19, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 357 cans of oysters at Portsmouth, Ohio, alleging that the article had been shipped in interstate commerce on or about March 10, 1936, by the Roaring Point Oyster Co., from Nanticoke, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Salt Water Oysters One Pint Net."

The article was alleged to be misbranded in that the statement "One Pint Net" was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On May 19, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. G. Gregg, *Acting Secretary of Agriculture.*

26030. Adulteration of cheese. U. S. v. 56 Cheeses. Default decree of condemnation and destruction. (F. & D. no. 37392. Sample no. 55672–B.)

This case involved a shipment of cheese that contained insect debris, rodent hairs, and nondescript dirt.

On March 20, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 cheeses, unlabeled, at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 2, 1936, by Sam Konugres, from Trinidad, Colo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26031. Adulteration of shelled walnuts. U. S. v. 900 Cases of Shelled Walnuts. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 37403. Sample no. 65283–B.)

This case involved shipment of shelled walnuts that were in part moldy, insect-eaten, rancid, and decomposed.

On March 19, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 900 cases of shelled walnuts at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about March 16, 1936, by Edward Jensen & Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On April 17, 1936, Herman C. Fisher Co., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it not be disposed of in violation of the Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

26032. Adulteration of canned salmon. U. S. v. 12,193 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 37407. Sample nos. 54394–B, 65036–B, 65144–B.)

This case involved an interstate shipment of canned salmon examination of which showed the presence of decomposed salmon.

On March 20, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12,193 cases

of canned salmon at Bellingham, Wash., alleging that the article had been shipped in interstate commerce on or about August 24, 1935, by Uganik Fisheries, Inc., from Uganik, Alaska, and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 4, 1936, Uganik Fisheries, Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the article be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26033. Adulteration and misbranding of peach wine. U. S. v. 544 Bottles of Peach Wine. Default decree of condemnation and destruction. (F. & D. no. 37409. Sample no. 54060–B.)

This case involved a product consisting of a blend of grape wines that was represented to be peach wine. The product was also short in volume.

On March 23, 1936, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 544 bottles of peach wine at Columbus, Ga., alleging that the article had been shipped in interstate commerce on or about January 22, 1936, by the Eastern Wine Corporation, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "American Beauty Finest Vintage Peach Wine * * * Contents One Pint Eastern Wine Corp., Tulare, Cal., New York, N. Y."

The article was alleged to be adulterated in that a product which was a blend of grape wines had been substituted for peach wine.

The article was alleged to be misbranded in that the statements "Peach Wine" and "One Pint", borne on the label, were false and misleading and tended to deceive and mislead the purchaser; and in that the product was offered for sale under the distinctive name of another article.

On April 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26034. Adulteration and misbranding of canned cherries. U. S. v. 107 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37412. Sample no. 65060–B.)

This case involved a product represented to be canned pitted cherries which were found to contain an excessive number of pits.

On March 27, 1936, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 107 cases of canned cherries at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about November 29, 1935, by Ravalli Canning Co., from Stevensville, Mont., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Riverside Brand Pitted Red Sour Cherries Packed for the McClintock-Trunkey Company, Spokane, Washington."

The article was alleged to be adulterated in that a substance, excessive pits, had been mixed and packed with and substituted for the article.

The article was alleged to be misbranded in that the statement on the label, "pitted cherries", was false and misleading and tended to deceive and mislead the purchaser.

On May 9, 1936, the Ravalli Canning Co., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

26035. Misbranding of canned tomatoes. U. S. v. 292 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37415. Sample no. 59185–B.)

This case involved interstate shipments of canned tomatoes that fell below the standard established by the Department of Agriculture because they were not normally colored, and that were not labeled to indicate that they were substandard.

On March 25, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 292 cases of canned tomatoes at Norman, Okla., alleging that the article had been shipped in interstate commerce on or about January 27 and 29, 1936, by Hargis Canneries, Inc., from Huntsville, Ark., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled: "Red Ripe Brand Tomatoes Contents 1 Lb. 3 Ozs. Packed by Huntsville Canning Company Huntsville, Ark."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the tomatoes were not normally colored, and the package or container did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that the article fell below such standard.

On April 22, 1936, the Huntsville Canning & Manufacturing Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

26036. Adulteration and misbranding of alleged olive oil. U. S. v. Twelve 1-Gallon Tins, et al., of alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. nos. 37445, 37447. Sample nos. 61547–B, 61553–B.)

These cases involved alleged olive oil that consisted in part of tea-seed oil.

On March 26, 1936, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of twelve 1-gallon tins and 20 half-gallon tins of alleged olive oil at Bridgeport, Conn., and seventy-eight 1-gallon tins of alleged olive oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about August 7 and October 21, 1935, by Sol Balamut, from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Italian Product Lucca Extra Virgin Olive Oil Tuscany [or "Rosner"] Brand Imported from Italy."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength, and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements and designs appearing upon the packages were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: The design of olive branches with olives and the statements: "Italian Product Lucca Extra Virgin Olive Oil * * * Imported from Italy Italian product extra virgin olive oil for medicinal and table uses. We guarantee this olive oil to be absolutely pure under chemical analysis. Prodotto Italiano Olio extra vergine di oliva garantito puro sotto qualunque analisi chimica. * * * Prodotto Italiano Lucca Extra Vergine Olio d' Oliva * * * Importato dall' Italia"; (top of can) "Imported olive oil [or "Imported Pure Olive Oil"]." The article also was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On June 30 and September 11, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26037. Adulteration and misbranding of olive oil. U. S. v. 6 Cans of Olive Oil, and two other actions. Default decree of condemnation and destruction. (F. & D. nos. 37446, 37451, 37493. Sample nos. 61238–B, 61239–B, 70414–B.)

These cases involved interstate shipments of so-called olive oil that contained tea-seed oil.

On March 25, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court two libels, one praying seizure and condemnation of six cans of so-called olive oil at Philadelphia, Pa.; and on March 27, 1936, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation, one of 30 cans, and the other, 28 cans of so-called olive oil, at

Hoboken and Paterson, N. J., respectively. The libels alleged that the articles had been shipped in interstate commerce on or about November 14 and 30, 1935, and February 26, 1936, by Vincent Buonocore, Inc., from New York, N. Y., and that they were adulterated and misbranded in violation of the Food and Drugs Act.

The article seized at Philadelphia and at Paterson was labeled in part: "One Gallon Roma Brand Pure Olive Oil Il Campidoglio (Roma) * * * VB Inc. Imported Product." The article seized at Hoboken was labeled in part: "Messina Brand Virgin Olive Oil Italian Product Packed for Messina Imp. Co. Hoboken, N. J."

The articles in all three of the cases were alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so as to reduce and lower its quality or strength, and in that tea-seed oil had been substituted in whole or in part for olive oil, which the articles purported to be.

The article seized at Philadelphia was alleged to be misbranded in that the following statements and designs appearing on the label were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: Representation of the capitol at Rome; "Roma * * * Pure Olive Oil Il Campidoglio (Roma) * * * Imported Product Questo Olio d'Oliva e garantito assolutamente puro sotto analisi chimica * * * Roma This Olive Oil is guaranteed to be absolutely pure under chemical analysis Roma * * *." The article seized at Hoboken was alleged to be misbranded in that the following statements and designs appearing upon the label were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: Design of olive branches with olives; "Virgin Olive Oil Italian Product This olive oil is guaranteed to be absolutely pure recommended for cooking, table, and medicinal use Olio d'Oliva Vergine Prodotto Italiano Quest' olio d'oliva e garantito assolutamente puro e raccomandato per uso da tavola, cucina e per uso medicinale"; (top of can) "Imported Olive Oil." The article at Paterson was alleged to be misbranded in that the statements and designs appearing upon the label were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: (Main panels) "Roma * * * Pure Olive Oil Il Campidoglio (Roma) Marca Registrata * * * Imported Product", "Roma * * * Puro Olio D'Oliva Campidoglio (Roma) Marca Registrata * * * Prodotto Importato", representation of capitol at Rome; (side panels) "Questo Olio D'Oliva e garantito assolutamente puro sotto analisi Chimica Marca Roma—This Olive Oil is guaranteed to be absolutely pure under chemical analysis Roma * * *."

The articles in all three of the cases were alleged to be misbranded in that they were offered for sale under the distinctive names of another article, namely, olive oil.

On March 25 and May 22, 1936, no claimants having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26038. Adulteration of canned salmon. U. S. v. 15,400 Cases and 4,851 Cases of Canned Salmon. Consent decrees of condemnation. Product released under bond for segregation and destruction of decomposed portions. (F. & D. nos. 37448, 37590. Sample nos. 65112–B, 65142–B, 65148–B, 65157–B, 65199–B.)

These cases involved interstate shipments of canned salmon examination of which showed the presence of decomposed salmon.

The United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, on March 24, 1936, filed in the district court a libel praying seizure and condemnation of 15,400 cases, and on April 13, 1936, a libel praying seizure and condemnation of 4,851 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about July 25 and July 29, 1935, by the Kadiak Fisheries Co., from Kodiak, Alaska, and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 21 and 28, 1936, the Kadiak Fisheries Co., claimant, having admitted the allegations of the libels and having consented to decrees, judgments of condemnation were entered, and it was ordered that the article be released under bond conditioned that the decomposed portions be segregated and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26039. Misbranding of tomato paste. U. S. v. 308 Cases of Tomato Paste. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37459. Sample no. 52096–B.)

This case involved a shipment of tomato paste that was a product of California, whereas the label gave the impression that it was of foreign origin.

On March 27, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 308 cases of tomato paste at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about November 18, 1935, by Flotill Products, Inc., from Stockton, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fabrica di Conserve Alimentari * * * Marca La Tosca (Naples Style) Made in U. S. A., Natural Pure Tomato Paste (Italian Style Produce) Salsa With Sweet Basil Sole Distributors for U. S. and Canada A. & C. Buscaglia Co. Inc., Buffalo, N. Y."

The article was alleged to be misbranded in that the statements on the label, "Fabrica di Conserve Alimentari * * * Marca La Tosca * * * Italian Style Produce * * * Salsa * * * Sole Distributors for U. S. and Canada", were misleading and tended to deceive and mislead the purchaser when applied to a product of California, in that they created the impression in the mind of the purchaser that the product was of Italian origin and this impression was not corrected by the statement "Made in U. S. A.", which appeared near the bottom of the main panel of the label in such small type that it was not readily observed.

On May 21, 1936, the A. & B. Buscaglia Co., Inc., Buffalo, N. Y., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. Gregg, *Acting Secretary of Agriculture.*

26040. Adulteration and misbranding of blackberry wine. U. S. v. One Barrel of Alleged Blackberry Wine. Default decree of condemnation and destruction. (F. & D. no. 37460. Sample no. 62856–B.)

This case involved a shipment of artificially colored grape wine that had been substituted for blackberry wine.

On or about March 26, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of alleged blackberry wine at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about March 10, 1936, by the Eastern Wine Corporation, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Stenciled) "D. J. Kennedy, Inc., Blackberry Wine."

The article was alleged to be adulterated in that artificially colored grape wine had been substituted for blackberry wine, which the article purported to be.

The article was alleged to be misbranded in that the statement on the label, "Blackberry Wine", was false and misleading and tended to deceive and mislead the purchaser when applied to a product that consisted of artificially colored grape wine; and in that it was offered for sale under the distinctive name of another article, namely, blackberry wine.

On May 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26041. Misbranding of strawberry preserves. U. S. v. 15 Cases and 13 Cases of Strawberry Preserves. Default decrees of condemnation and forfeiture. Product turned over to charitable institution. (F. & D. nos. 37463, 37464. Sample nos. 53132–B, 53137–B.)

These cases involved shipments of strawberry preserves that were short in weight.

On March 26 and April 2, 1936, the United States attorney for the Middle District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 15 cases and 13 cases of strawberry preserves at Winston-Salem and Durham, N. C., respectively, alleging that the article had been shipped in interstate commerce on or about June 12 and June 15, 1935, by the Ruby Canning Co., from Ruby, S. C.,

and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Lord Chesterfield Brand Pure Preserves Strawberry Contents 12 Ozs. [or "2 Pounds"] Ruby Canning Co., Ruby, S. C."

The article was alleged to be misbranded in that the statements on the labels, "Contents 12 Ozs." and "Contents 2 Pounds", were false and misleading and tended to deceive and mislead the purchaser when applied to a product packed in jars containing less than said amounts; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity was not stated correctly.

On June 10, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be delivered to a charitable institution.

W. R. GREGG, *Acting Secretary of Agriculture.*

26042. Misbranding of preserves. U. S. v. 73 Cases of Preserves. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37467. Sample nos. 48866–B, 48867–B, 63719–B, 63720–B.)

This case involved interstate shipments of strawberry preserves, the packages of which were found to contain less than the weight stated on the label.

On April 1, 1936, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 73 cases of strawberry preserves at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about May 25, July 29, and October 14, 1935, by the Ruby Canning Co., from Ruby, S. C., and that it was misbranded in violation of the Food and Drugs Act as amended. The article, contained in jars, was labeled: "Lord Chesterfield Brand Pure Preserves Strawberry Contents 16 Ozs. [or "Contents 2 Pounds"] Ruby Canning Co., Ruby, S. C."

The article was alleged to be misbranded in that the statements, "Contents 16 ozs." and "Contents 2 Pounds", were false and misleading and tended to deceive and mislead the purchaser when applied to a product that was short in weight; and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On April 23, 1936, the Ruby Canning Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

26043. Adulteration and misbranding of olive oil. U. S. v. 11 Cans of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 37480. Sample no. 61085–B.)

This case involved an interstate shipment of so-called olive oil that contained tea-seed oil.

On March 27, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cans of so-called olive oil at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about March 12, 1936, by the Italian Importing Corporation from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Net Contents One Gallon L'Italia Redenta Brand Pure Olive Oil * * * L'Italia Redenta Olive Oil Co., N. Y."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so as to reduce or lower its quality or strength; and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements and designs appearing upon the label were false and misleading and tended to deceive and mislead the purchaser, when applied to a product containing tea-seed oil: Designs of olive leaves and olives, a map of Italy, the Italian national colors, and the statements, "L'Italia * * * Pure Olive Oil * * * Our olive oil is guaranteed by us to be absolutely pure under any chemical analysis * * * L'Italia * * * Il nostro olio di olivo e da noi garentito sotto qualsiasi analisi chimica assolutamente puro L'Italia." The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On May 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26044. Misbranding of canned peas. U. S. v. 266 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37481. Sample nos. 70611–B, 70612–B.)

This case involved canned peas that fell below the standard established by this Department because they were not immature, as evidenced by the presence of an excessive percentage of ruptured peas, and which were not labeled to indicate that they were substandard.

On March 28, 1936, the United States attorney for the district of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 266 cases of canned peas at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about August 22, 1935, by Phillips Packing Co., Inc., from Cambridge, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Saleco Brand Early June Peas * * * Phillips Sales Co., Inc., Cambridge, Md., U. S. A. Distributors."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 12, 1936, the Phillips Sales Co., Inc., having appeared as claimant and having consented to an entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

26045. Adulteration of walnut meats. U. S. v. 40 Cartons of Walnut Meats. Consent decree of condemnation. Product released under bond. (F. & D. no. 37485. Sample no. 65286–B.)

This case involved shipment of walnut meats that were in part worm-eaten, moldy, and decomposed.

On March 27, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cartons of walnut meats at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 4, 1936, by D. Granton & Co., from Wilmington, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ord Granton and Co. Ntfy Crescent Mfg. Co. Seattle, Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On April 13, 1936, Granton & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that the good nuts be separated from the bad and the latter destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26046. Misbranding of canned tomatoes. U. S. v. 362 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37487. Sample no. 59189–B.)

This case involved an interstate shipment of canned tomatoes that fell below the standard established by the Department of Agriculture because they were not normally colored and normally flavored and they were not labeled to indicate that they were substandard.

On March 30, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 362 cases of canned tomatoes at El Reno, Okla., alleging that the article had been shipped in interstate commerce on or about October 6, 1935, by Chas. L. Diven, Inc., from Gentry, Ark., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled: "Cream of the Valley Brand Hand Packed Tomatoes Contents 1 Lb. 3 Oz. Cream of the Valley Supreme Chas. L. Diven, Inc. Main Office Gentry, Ark."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the canned tomatoes were not normally colored and normally flavored, and the package did not bear a plain and conspicuous statement, as prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On April 10, 1936, Chas. L. Diven, Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be sold or disposed of contrary to law.

W. R. Gregg, *Acting Secretary of Agriculture.*

26047. Adulteration and misbranding of ground coffee screenings. U. S. v. 10 Bags of Ground Coffee Screenings. Default decree of condemnation and destruction. (F. & D. no. 37488. Sample no. 68172–B.)

This case involved a shipment of ground coffee screenings that were found to contain coffee chaff.

On May 6, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bags of ground coffee screenings at Portsmouth, Ohio, consigned on or about February 8, 1936, alleging that the article had been shipped in interstate commerce by Alexander Moseley, from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "No. 1 Ground Coffee Screenings."

The article was alleged to be adultered in that coffee chaff had been mixed and packed with the article so as to reduce its quality or strength; and in that coffee chaff had been substituted wholly or in part for coffee screenings, which the article purported to be.

The article was alleged to be misbranded in that the designation "Coffee Screenings" was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing coffee chaff; and in that it was offered for sale under the distinctive name of another article, namely, coffee screenings.

On May 19, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26048. Misbranding of oleomargarine. U. S. v. 29 Cases and 9 Cases of Oleomargarine. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37489. Sample nos. 22541–B, 22542–B.)

This case involved shipment of oleomargarine that was short in weight.

On March 30, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cases, each containing 32 pound prints, and 9 cases, each containing 12 pound prints, of oleomargarine at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 17, 1936, by Swift & Co., from Fort Worth, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cartons) "Swift's Allsweet One Pound Net Oleomargarine, Swift and Company, Chicago"; (wrappers) "Oleomargarine 1 Pound Net."

The article was alleged to be misbranded in that the statements on the carton and wrapper, "One Pound Net" and "1 Pound Net", were false and misleading and tended to deceive and mislead the purchaser when applied to a product in packages containing less than 1 pound; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On April 2, 1936, Swift & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

26049. Adulteration and misbranding of olive oil. U. S. v. 92 Bottles and 37 Bottles of Olive Oil. Default decree of condemnation. Product ordered destroyed or rendered unavailable for food. (F. & D. nos. 37490, 37491. Sample nos. 59198–B, 59199–B.)

These cases involved two interstate shipments of so-called olive oil that contained tea-seed oil; in one shipment the bottles were short in volume.

On or about April 1, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court two libels, one praying seizure and condemnation of 92 bottles, and the other of 37 bottles of so-called olive oil, at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about February 6 and March 9, 1936, by H. L. Green Co., Inc., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article in the lot of 92 bottles was labeled: "Pure Olive Oil Net Cont. 2 Fl. Oz. De Luca Brand De Luca Olive Oil Co. N. Y. Pure Olive Oil Tested Approved Serial 4695 Good Housekeeping Magazine Bureau of Foods De Luca & Co. New York & Genoa." The article in the lot of 37 bottles was labeled: "Olio D'Oliva Marca DeLuca Brand 6 Fl. Oz. Pure Olive Oil Tested Approved Serial 4695 Good Housekeeping Magazine Bureau of Foods DeLuca & Co. New York & Genoa."

The article in the lot of 92 bottles and in the lot of 37 bottles was alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so as to reduce or lower its quality or strength, and in that tea-seed oil had been substituted in whole or in part for olive oil, which the product purported to be.

The article in the lot of 92 bottles was alleged to be misbranded in that the statement "Pure Olive Oil", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil. The article in the lot of 37 bottles was alleged to be misbranded in that the statements, "Olio D'Oliva * * * DeLuca", "Pure Olive Oil", and "6 Fl. Oz.", were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil, and to a product the bottles of which contained less than 6 ounces; and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct. The article in the lot of 92 bottles and in the lot of 37 bottles was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On May 15, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed or be disposed of in such manner as to render it unavailable for food.

W. R. Gregg, *Acting Secretary of Agriculture.*

26050. Misbranding of apple butter. U. S. v. 15 Cases of Apple Butter. Default decree of condemnation and destruction. (F. & D. no. 37515. Sample no. 52913–B.)

This case involved apple butter that was short in weight.

On or about April 2, 1936, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases, each containing 12 jars of apple butter, at St. Rose, Ill., alleging that the article had been transported in interstate commerce on or about March 12, 1936, by Schuette Bros., in their own truck from the premises of the L. Maull Co., St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Top Notch Brand Apple Butter, Net Weight 2 Lbs., 2 Ozs., * * * packed by L. Maull Company, St. Louis, Mo."

The article was alleged to be misbranded in that it was short in weight and the statement of weight on the label was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26051. Adulteration of butter. U. S. v. 176 Tubs and 322 Cartons of Butter. Default decree of condemnation and destruction. (F. & D. no. 37524. Sample no. 61033–B.)

This case involved butter that had been damaged by flood water.

On April 1, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 176 tubs and 322 cartons of butter at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about March 14, 1936, by Land O'Lakes Creameries, Inc., from Minneapolis, Minn., and charging adulteration in violation of the Food and

Drugs Act. The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 17, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26052. Adulteration of corn gluten feed. U. S. v. 700 Bags of Corn Gluten Feed. Consent decree of condemnation and destruction. (F. & D. no. 37529. Sample no. 61034–B.)

This case involved a lot of corn gluten feed that was water-soaked and moldy because of flood damage.

On April 1, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 bags of corn gluten feed at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about March 14, 1936, by the Corn Products Refining Co., from Peoria, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Buffalo Corn Gluten Feed. * * * Corn Products Refining Co., New York."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 17, 1936, the Corn Products Sale Co., having intervened and admitted that the product should be condemned since it had been damaged by flood water, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26053. Misbranding of beer. U. S. v. 269 Cases of Beer. Default decree of condemnation. Product turned over to the Treasury Department. (F. & D. no. 37542. Sample no. 64393–B.)

This case involved shipment of beer that contained less alcohol by volume than the amount indicated on the label.

On April 3, 1936, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 269 cases of beer at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about March 28, 1936, by the Terre Haute Brewing Co., Inc., from Terre Haute, Ind., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottles) "Champagne Velvet Beer Terre Haute Brewing Company, Inc. Terre Haute, Indiana"; (neck label) "Superstrong. Not over 12½ per cent proof spirits."

The article was alleged to be misbranded in that the statement on the neck label, "Super-strong—not over 12½% proof spirits", was misleading and tended to deceive and mislead the purchaser when applied to a product that contained only 5.47 percent of alcohol by volume, and less than 12½ percent proof spirits; and in that the label was further misleading and tended further to deceive and mislead the purchaser by reason of the fact that the numerals "12" were about eight times larger than the other reading matter upon said label.

On April 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to the Treasury Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

26054. Misbranding of beer and ale. U. S. v. 431 Cases of Beer and 199 Cases of Ale. Default decrees of condemnation. Products delivered to Treasury Department. (F. & D. nos. 37543, 37544. Sample nos. 64394–B, 64395–B.)

These cases involved shipments of beer and ale that contained less alcohol by volume than the amount indicated on the respective labels.

On April 3, 1936, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 431 cases of beer and 199 cases of ale at Atlanta, Ga., alleging that the articles had been shipped in interstate commerce on or about January 14, and March 10, 1936, by the Frank Fehr Brewing Co., from Louisville, Ky., and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Main label) "Fehr's Kentucky Beer [or "Fehr's Darby Ale Old Style"] * * * Frank

Fehr Brewing Co., Incorporated, Louisville, Ky." The neck labels read, "Brewed Fehr's Beer in over 13% Original Extract" and Brewed Fehr's Ale in over 14% Original Extract", respectively.

The articles were alleged to be misbranded in that the statements on the labels, "Fehr's 13% Beer Brewed in 13% Original Extract" and "Fehr's 14% Ale Brewed in over 14% Original Extract", were false and misleading and tended to deceive and mislead the purchaser when applied to beer and ale containing 4.8 percent and 5.95 percent, respectively, of alcohol by volume. The statement on the label of the ale was alleged further to be misleading and deceptive by reason of the fact that the numerals "14" were larger than other reading matter upon said label.

On April 25, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be delivered to the Secretary of the Treasury.

W. R. Gregg, *Acting Secretary of Agriculture.*

26055. Misbranding of canned cherries. U. S. v. 25 Cases of Canned Cherries. Default decree of condemnation. Product delivered to a charitable organization. (F. & D. no. 37545. Sample no. 53461–B.)

This case involved canned cherries which were substandard because of the presence of an excessive number of pits and which were not labeled to indicate that they were substandard.

On April 3, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned cherries at San Diego, Calif., alleging that the article had been shipped in interstate commerce on or about February 26, 1936, by the Western Oregon Packing Corporation, from Corvallis, Oreg., and charging that the article was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Case) "Fenwick Brand R S P Cherries Packed for Youngs Market San Diego, California"; (cans) "Water Pack Pitted Red Sour Cherries * * * Approved for Color Flavor Quality Fill by Fenwick Packed For James Fenwick Company Portland, Ore."

The article was alleged to be misbranded in that the cases were labeled or branded so as to deceive or mislead the purchaser, since they failed to show that the product was water-packed, and in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On April 27, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to some charitable or welfare organization.

W. R. Gregg, *Acting Secretary of Agriculture.*

26056. Adulteration and misbranding of plum preserves. U. S. v. Two Cases of Alleged Plum Preserves. Default decree of condemnation and destruction. (F. & D. no. 37551. Sample no. 62618–B.)

This case involved a shipment of plum preserves that contained less fruit and more sugar than a standard preserve, and that also contained added pectin and water.

On April 6, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cases of alleged plum preserves at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 15, 1935, by Lutz & Schramm Co., from Pittsburgh, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Jar, main label) "L. & S. Pure Preserves, Lutz & Schramm Co., Pittsburgh, Pa."; (strip label) "Pure Plum Preserves * * * Guaranteed Pure."

The article was alleged to be adulterated in that sugar, pectin, and water which should have been removed by boiling, had been mixed and packed with the article so as to reduce or lower its quality; in that a mixture of fruit, sugar, pectin, and water containing less fruit and more sugar than preserves, had been substituted for preserves, which article purported to be; and in that

sugar, pectin, and water had been mixed with the article in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement on the label, "Pure Preserves", and the statements on the strip label, "Pure Plum Preserves" and "Guaranteed Pure", were false and misleading and tended to deceive and mislead the purchaser when applied to a product resembling preserves but which contained less fruit than preserves, the deficiency having been concealed by the addition of pectin, water, and excess sugar; and in that it was an imitation of and offered for sale under the distinctive name of another article, namely, preserves.

On May 21, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26057. Misbranding of malted milk. U. S. v. 34 Cases of Malted Milk. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. no. 37558. Sample no. 59363-B.)

This product was represented to be chocolate-flavored malted milk containing appreciable amounts of skim milk and eggs. Examination showed that it contained little or no malted milk, skim milk, or egg.

On April 6, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 cases of chocolate-flavored sweetened malted milk at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 21, 1935, by the General Desserts Corporation, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lovely Chocolate Flavored Sweetened Malted Milk * * * containing the nourishing elements of Malted Milk, cane sugar, choice grade of cocoa, partially de-fatted milk and eggs. * * * Guaranteed as a 100% pure food which meets all pure food law requirements. General Desserts Corp., N. Y. C. U. S. A."

The article was alleged to be misbranded in that the statements on the label, "Malted Milk", "Chocolate Flavored Sweetened Malted Milk"—wherever it appeared on the label—"containing the nourishing elements of Malted Milk * * * partially de-fatted milk; eggs", and "Guaranteed as a One hundred per cent pure food which meets all pure food law requirements", were false and misleading and tended to deceive and mislead the purchaser.

On May 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be turned over to some charitable institution.

W. R. Gregg, *Acting Secretary of Agriculture.*

26058. Misbranding of canned pears. U. S. v. 148 Cases of Canned Pears. Product released under bond to be relabeled. (F. & D. no. 37559. Sample no. 60918-B.)

This case involved a shipment of canned pears which were substandard because they were excessively trimmed and which failed to bear a statement prescribed by the Secretary of Agriculture, indicating that they were substandard. The label failed to bear a statement of the quantity of the contents since a label for a 1-pound 14-ounce can was used on cans containing on the average approximately 6 pounds 12 ounces.

On April 8, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 148 cases of canned pears at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 14, 1935, by Washington Packers, Inc., from Sumner, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Ranier Brand Bartlett Pears, Net Contents 1 Lb. 14 ozs. Packed by Washington Berry Growers' Packing Corp. Sumner, Wash."

The article was alleged to be misbranded in that it was substandard, since it was excessively trimmed and was not in unbroken halves; and in that the quantity of contents was incorrectly stated, since the average net weight was 6 pounds, 12.69 ounces.

On May 6, 1936, the Kent Food Corporation, Brooklyn, N. Y., having appeared as claimant and having consented to the condemnation and forfeiture

of the product, a decree was entered ordering that the product be released under bond conditioned that it be relabeled.

W. R. Gregg, *Acting Secretary of Agriculture.*

26059. Misbranding of canned pitted cherries. U. S. v. 44 Cases of Red Sour Pitted Cherries. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 37560. Sample no. 48918–B.)

This case involved canned cherries which were substandard because of the presence of excessive pits and which were not labeled to indicate that they were substandard.

On April 7, 1936, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 cases, each containing 6 cans of pitted cherries, at Greensboro, N. C., alleging that the article had been shipped in interstate commerce on or about March 9, 1936, by Taylor & Sledd, Inc., from Richmond, Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pocahontas Brand Red Sour Pitted Cherries in Water * * * Packed for H. P. Taylor Jr., Inc. Sole Distributors Richmond, Va."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it contained excessive pits, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 10, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

W. R. Gregg, *Acting Secretary of Agriculture.*

26060. Adulteration of dried apricots. U. S. v. 26 Cases of Dried Apricots. Default decree of condemnation and destruction. (F. & D. no. 37562. Sample no. 67809–B.)

This case involved dried apricots that were insect-infested.

On or about April 20, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cases of dried apricots at Amarillo, Tex., alleging that the article had been shipped in interstate commerce on or about June 11 and December 1, 1935 [1934], by the California Packing Corporation, from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sterling Brand Apricots * * * California Packing Corporation * * * San Francisco, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal and vegetable substance.

On June 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26061. Adulteration of dried pears. U. S. v. 36 Cases of Dried Pears. Default decree of condemnation and destruction. (F. & D. no. 37585. Sample no. 67813–B.)

This case involved a shipment of dried pears that were dirty and worm- and insect-infested and contained rodent excreta.

On April 13, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 cases of dried pears at Amarillo, Tex., alleging that the article had been shipped in interstate commerce on or about November 22, 1935, by Rosenberg Bros. & Co., from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Iris Brand California Choice Halved Pears Rosenberg Bros. Fresno, Calif."

The article was alleged to be adulterated in that it consisted of a filthy vegetable substance.

On June 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26062. Adulteration of flood-damaged feed and grain. U. S. v. 360 Bags of Flood-Damaged Feed and Grain. Decree of condemnation. Product released under bond. (F. & D. no. 37571. Sample nos. 66051–B to 66060–B, incl.)

This case involved shipments of flood-damaged feed and grain that showed mold and bacteria pollution.

On April 8, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 bags of flood-damaged feed and grain at Lowell, Mass., alleging that the article had been shipped in interstate commerce on or about March 28, March 30, and March 31, 1936, by the Crosby Milling Co., from Brattleboro, Vt., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it showed mold and bacteria pollution and in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On April 13, 1936, the Great Eastern Feed Mills, Inc., Lowell, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the portion unfit for food be converted into fertilizer.

W. R. Gregg, *Acting Secretary of Agriculture.*

26063. Adulteration of canned salmon. U. S. v. 3,743 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 37580. Sample no. 65181–B.)

This case involved an interstate shipment of canned salmon examination of which showed the presence of decomposed salmon.

On April 10, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,473 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 5, 1935, by the Diamond K Packing Co., from Wrangell, Alaska, and that it was adulterated in violation of the Food and Drugs Act. The cans in the cases were unlabeled.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 17, 1936, Diamond K Packing Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the article be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26064. Adulteration of canned salmon. U. S. v. 270 Cases of Canned Red Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37592. Sample nos. 65178–B, 66835–B.)

This case involved the shipment of canned red salmon that was in part decomposed.

On April 13, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 270 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 6, 1935, by the Shepard Point Packing Co., from Cordova, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 18, 1936, the Shepard Point Packing Co., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it not be disposed of in violation of the Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

26065. Adulteration and misbranding of canned oysters. U. S. v. 124 Cases of Canned Oysters. Decree of destruction. (F. & D. no. 37598. Sample no. 63753–B.)

This case involved canned oysters that contained fragments of shells.

On April 16, 1936, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 cases of canned oysters at Vidalia, Ga., alleging that the article had been shipped in interstate commerce on or about March 13 and 27, 1936, by the Nassau Packing Co., from Jacksonville, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Golden Galleon Oysters * * * The oysters are very carefully packed fresh from the sound, * * * Packed by the Nassau Packing Co. S. S. Goffin, Jacksonville, Fla."

The article was alleged to be adulterated in that oyster and other shells had been mixed and packed therewith and had been substituted wholly or in part for oysters, which the product purported to be; and in that it contained an added deleterious ingredient, fragments of shells, which might have rendered it injurious to health.

The article was alleged to be misbranded in that the statement on the label, "The oysters are very carefully packed", was false and misleading and tended to deceive and mislead the purchaser.

On June 9, 1936, a decree was entered ordering that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26066. Adulteration of canned salmon. U. S. v. 3,571 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for reconditioning. (F. & D. no. 37599. Sample nos. 66831–B, 66838–B.)

This case involved an interstate shipment of canned salmon examination of which showed the presence of decomposed salmon.

On April 14, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,571 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 12, 1935, by the Sebastian Stuart Fish Co., from Tyee, Alaska, and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 21, 1936, the Sebastian Stuart Fish Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the article be released under bond conditioned that it be reconditioned.

W. R. Gregg, *Acting Secretary of Agriculture.*

26067. Adulteration of canned salmon. U. S. v. 93 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37606. Sample no. 66842–B.)

This case involved shipment of canned salmon that was in part decomposed.

On April 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 93 cases of canned red salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 19, 1935, by the Hood Bay Canning Co., from Hood Bay, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 27, 1936, the Hood Bay Canning Co. having appeared as claimant for the article and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it not be disposed of in violation of the Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

26068. Adulteration of tomato puree. U. S. v. 14 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 37621. Sample no. 54750–B.)

This case involved a shipment of tomato puree that contained excessive mold.

On April 20, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of tomato puree at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about March 11, 1936, by the Holley Canning Co., from Holley, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue & White Brand Tomato Puree * * * Red & White Corp'n. Distributors, Chicago, Ill., Buffalo, N. Y., San Francisco, Cal."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 14, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26069. Adulteration and misbranding of canned salmon. U. S. v. 311, 475, and 195 Cases of Canned Salmon. Decrees of condemnation and destruction. (F. & D. nos. 37612, 37623, 37626. Sample nos. 51529–B, 53185–B, 63218–B.)

These cases involved canned salmon that was in part decomposed. A portion was soft and some was scorched and overcooked.

On April 18, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 195 cases of canned salmon at St. Paul, Minn. On April 20 and April 21, 1936, libels were filed against 475 cases of canned salmon at Jacksonville, Fla., and 311 cases of canned salmon at Baltimore, Md. The libels alleged that the article had been shipped in interstate commerce between the dates of November 2, 1935, and January 8, 1936, by McGovern & McGovern, from Seattle, Wash., and that it was adulterated and a portion was misbranded in violation of the Food and Drugs Act. The shipments involved two brands labeled in part, respectively: "Far North Fancy Pink Salmon McGovern and McGovern, Seattle, U. S. A. Sole Distributors"; "McGovern's Best Brand Alaska Pink Salmon Distributed by McGovern & McGovern Seattle, U. S. A."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

The Far North brand was alleged to be misbranded in that the term "Fancy", appearing on the labels, was false and misleading and tended to deceive and mislead the purchaser when applied to decomposed soft, scorched, and overcooked fish.

On June 13 and July 16, 1936, no claim having been entered for the lots seized at Baltimore, Md., and St. Paul, Minn., and the Quality Seafood Packing Co., claimant for the lot seized at Jacksonville, having withdrawn its claim and consented to the destruction of said lot, judgments of condemnation were entered and the product was ordered destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26070. Adulteration of Limburger Spread. U. S. v. 102 Jars, et al., of Limburger Spread. Default decrees of condemnation and destruction. (F. & D. nos. 37631 to 37641, incl. Sample no. 61037–B.)

These cases involved Limburger Spread that contained worm and insect fragments.

On April 23, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 580 jars of Limburger Spread in various lots at Passaic, Hackensack, West New York, Summit, and Hoboken, N. J., alleging that the article had been shipped in various shipments between the dates of April 1 and April 8, 1936, by B. Chesman & Son, Inc., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. On April 24, 1936, the United States attorneys for the Southern District of New York, and the Eastern District of New York, filed libels against 485 jars of Limburger Spread in various lots at New York, Yonkers, Elmhurst, Lynbrook, Jamaica, and Queens Village, N. Y., consigned between the dates of March 30 and April 8, 1936, alleging that the article had been shipped by the Modern

Dairy & Grocery Co., Inc., from Paterson, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Borden's Buffalo Brand Limburger Spread."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 6, July 16, August 11, and August 22, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26071. Misbranding of relish and pickles. U. S. v. Nine and One-half Cases of Sea-Food and Barbecue Relish, et al. Default decree of condemnation and destruction. (F. & D. no. 37647. Sample nos. 48909–B to 48914–B, incl.)

This case involved a shipment of relish and pickles in jars on which the labels did not state correctly the quantity of contents.

On April 24, 1936, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine and one-half cases of sea-food and barbecue relish, and 64 cases of pickles at Bishopville, S. C., alleging that the articles had been shipped in interstate commerce on or about March 12, 1936, by the Orringer Pickle Co., from New Bern, N. C., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were variously labeled in part: (Jars) "Carolina Maid Brand One Pint [or 8 Ozs.] Seafood and Barbecue Relish [or "Sweet Mixed Pickles, etc."] Packed by The Orringer Pickle Company, New Bern, N. C."

The articles were alleged to be misbranded in that the statements on the labels, "One Pint" or "8 Ozs.", as the case might be, were false and misleading and tended to deceive and mislead the purchaser when applied to products that were short in volume; and in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On June 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26072. Adulteration of canned salmon. U. S. v. 600 Cases of Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 37657. Sample no. 53800–B.)

This case involved a shipment of salmon that was in part decomposed.

On or about April 28, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of canned salmon at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about November 20, 1935, by the Washington Fish & Oyster Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Bay Beauty Brand Select Alaska Pink Salmon * * * Packed by Washington Fish & Oyster Company, Seattle."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 4, 1936, the Washington Fish & Oyster Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be sorted under supervision of this Department and that the unfit portion be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26073. Adulteration of evaporated apples. U. S. v. 175 Bags of Evaporated Apples. Product released under bond. (F. & D. no. 37661. Sample no. 52479–B.)

This case involved a shipment of evaporated apples that contained excessive water.

On April 24, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 unlabeled bags

of evaporated apples at St. Louis, Mo., alleging that the article had been shipped on or about February 27, 1936, by K. & H. Evaporating Co., Inc., from Red Creek, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing excessive water had been substituted for evaporated apples, which the article purported to be.

On May 5, 1936, J. W. Teasdale & Co. having filed an answer admitting the allegations of the libel and having consented to condemnation of the product, judgment was entered ordering that it be released under bond conditioned that the excessive moisture be removed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26074. Misbranding and alleged adulteration of beer. U. S. v. 230 Cases of Red Top Beer. Product adjudged misbranded and released under bond to be relabeled. (F. & D. no. 37663. Sample no. 68326–B.)

This case involved shipment of beer that contained materially less alcohol than indicated on the label.

On March 11, 1936, the United States attorney for the Western District of Kentucky, acting upon a report by an official of the State of Kentucky, filed in the district court a libel praying seizure and condemnation of 230 cases of beer at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about March 9, 1936, by Hauck Brewery, Red Top Brewing Co., from Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act as amended. The article was labeled in part: "Not over 14% Proof Spirits Red Top Beer."

The article was alleged to be misbranded in that the statement on the label in large type, "14%", was false and misleading and tended to deceive and mislead the purchaser since analysis showed that the article contained less than 5 percent of alcohol by weight.

The article was alleged to be adulterated in that a beverage containing less than 14 percent of alcohol had been substituted for the article.

On March 13, 1936, the United Distributors, claimant, having agreed thereto, the court found the article misbranded and ordered its release to claimant under bond conditioned that it be relabeled by removing that part of the label reading: "Not over 14% Proof Spirits."

W. R. Gregg, *Acting Secretary of Agriculture.*

26075. Adulteration of frozen shrimp. U. S. v. 460 Pounds of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. no. 37669. Sample no. 70419–B.)

This case involved shipment of frozen shrimp that consisted of a decomposed animal substance.

On April 6, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 460 pounds of frozen shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 6, 1935, by V. Santos, from St. Augustine, Fla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of decomposed animal substance.

On May 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26076. Adulteration of frozen shrimp. U. S. v. 165 Pounds of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. no. 37670. Sample no. 70420.)

This case involved a shipment of frozen shrimp that was decomposed.

On April 6, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 165 pounds of frozen shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 1 and August 2, 1935, by the Imperial Fish Co., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of decomposed animal substance.

On May 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26077. Adulteration of frozen headless shrimp. U. S. v. 260 Pounds of Frozen Headless Shrimp. Default decree of condemnation and destruction. (F. & D. no. 37671. Sample no. 44585–B.)

This case involved a shipment of frozen headless shrimp that were decomposed.

On March 21, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 260 pounds of frozen headless shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 10, 1936, by the Booth Fisheries Corporation, from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a decomposed animal substance.

On April 20, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26078. Misbranding of butter. U. S. v. 40 Cases of Butter, and other cases. Consent decrees of condemnation. Product released under bond for reconditioning. (F. & D. nos. 37672, 37674, 37675, 37676. Sample nos. 46707–B, 46724–B, 46730–B, 46732–B, 46740–B.)

These cases involved interstate shipments of butter that contained less than 80 percent of milk fat.

The United States attorney for the District of Hawaii, acting upon reports by the Secretary of Agriculture, filed on January 23, January 29, and February 6, 1936, libels praying seizure and condemnation of 105 cases of butter at Honolulu, Hawaii, alleging that the article had been shipped in interstate commerce on or about January 14, 21, and 28, 1936, by American Factors, Ltd., from San Francisco, Calif., and that it was misbranded in violation of the Food and Drugs Act as amended. The article, contained in 1-pound cartons each containing four 4-ounce wrapped prints, was labeled in part: (Cartons) "The Genuine Modesto Butter Churned Daily at Modesto, California Net Weight One Pound" (print wrappers) "Modesto Pasteurized Butter Net Weight Four Ounces Manufactured Exclusively by Milk Producers Association of Central California, Modesto, California."

The article was alleged to be misbranded in that the said statements on the cartons and on the print wrapper labels were false and misleading and deceived and misled the purchaser, since they represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923; whereas in fact the article contained less than 80 percent by weight of milk fat.

On January 23, 29, and February 6, 1936, American Factors, Ltd., claimant, having admitted the allegations of the four libels and having consented to decrees, judgments of condemnation were entered, and it was ordered that the product be released under bond conditioned that it be returned to San Francisco, Calif., and there be reconditioned and repacked. On April 1, 1936, it having been found impossible to recondition the product in the lot of 40 cases and the lot of 25 cases condemned under the two libels filed on January 23, 1936, it was ordered that the claimant be permitted to sell it for the manufacture of soap.

W. R. Gregg, *Acting Secretary of Agriculture.*

26079. Misbranding of butter. U. S. v. Five Cases of Butter. Consent decree of condemnation. Product released under bond for reconditioning. (F. & D. no. 37673. Sample no. 46725–B.)

This case involved an interstate shipment of butter that contained less than 80 percent of milk fat.

On January 29, 1936, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five barrels of butter at Honolulu, Hawaii, alleging that the article had been shipped in interstate commerce on or

about January 21, 1936, by the Challenge Cream & Butter Association, from San Francisco, Calif., and that it was misbranded in violation of the Food and Drugs Act. The article, contained in 1-pound cartons each containing four 4-ounce wrapped prints, was labeled in part: (Cartons) "Danish Creamery Pasteurized Butter One Lb. Net Weight Quarters"; (print wrappers) "Made from Fancy Pasteurized Cream Net Weight Four Ounces."

The article was alleged to be misbranded in that the said statements on the cartons and on the print wrappers were false and misleading and deceived and misled the purchaser, since they represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923; whereas the article, in fact, contained less than 80 percent by weight of milk fat.

On February 3, 1936, the City Transfer Co., Ltd., and Curtis Bailey, claimants, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reshipped to the consignor, San Francisco, Calif., for reworking.

W. R. GREGG, *Acting Secretary of Agriculture.*

26080. Adulteration of butter. U. S. v. 9 Cases, 13 Cases, and 7 Cases of Butter. Decree of condemnation. Product released under bond. (F. & D. no. 37677. Sample no. 46950–B.)

This case involved shipment of butter that was deficient in milk fat.

On March 16, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cases of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about March 13, 1936, by the Interstate Creamery, from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Prints) "Red Ribbon Pasteurized Fancy Creamery Butter * * * Manufactured for Leslie Company, Ltd., San Francisco, Calif."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product that should contain not less than 80 percent of milk fat.

On March 20, 1936, the Purity Stores, Ltd., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought up to legal standard.

W. R. GREGG, *Acting Secretary of Agriculture.*

26081. Adulteration and alleged misbranding of butter. U. S. v. 20 Cartons of Butter. Product adjudged adulterated and released under bond to be reworked. (F. & D. no. 37678. Sample no. 48726–B.)

This case involved a shipment of butter fat that was deficient in milk fat.

On or about February 20, 1936, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cartons, each containing 120 ¼-pound prints of butter, at Tallahassee, Fla., alleging that the article had been shipped on or about February 14, 1936, by the Americus Ice Cream & Creamery Co., from Americus, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product that should contain not less than 80 percent of milk fat. Misbranding was alleged for the reason that the article was labeled "butter", which was false and misleading since it contained less than 80 percent of milk fat.

On March 1, 1936, I. E. Wilson, trading as Americus Ice Cream & Creamery Co., claimant, having admitted the allegations of the libel, the product was adjudged adulterated and released under bond conditioned that it be reworked and brought up to the legal standard.

W. R. GREGG, *Acting Secretary of Agriculture.*

26082. Adulteration and misbranding of butter. U. S. v. 40 Cases of Butter. Product released under bond. (F. & D. no. 37679. Sample no. 53052–B.)

This case involved a shipment of butter that was deficient in milk fat.

On or about February 15, 1936, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed

in the district court a libel praying seizure and condemnation of forty 30-pound cases of butter at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about February 10, 1936, by Jefferson Creameries [Jefferson Creamery, Inc.], from Americus, Ga., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Land O'Sunshine Creamery Butter * * * Jefferson Creamery, Americus, Georgia."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

The article was alleged to be misbranded in that it was labeled "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On February 15, 1936, the Jefferson Creamery, Inc., having appeared as claimant for the product, judgment was entered ordering that the product be released under bond conditioned that it be brought up to the legal standard.

W. R. Gregg, *Acting Secretary of Agriculture.*

26083. Adulteration of butter. U. S. v. 131 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. no. 37680. Sample no. 55659–B.)

This case involved an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On February 7, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 131 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 1, 1936, by the Gerlach Grain & Produce Co., from Cordell, Okla., and that it was adulterated in violation of the Food and Drugs Act as amended March 4, 1923.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On February 10, 1936, the Peter Fox Sons Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked to comply with the Food and Drugs Act as amended.

W. R. Gregg, *Acting Secretary of Agriculture.*

26084. Adulteration of butter. U. S. v. 49 Pounds of Butter. Default decree of condemnation and destruction. (F. & D. no. 37681. Sample no. 56239–B.)

This case involved an interstate shipment of butter that was moldy.

On March 16, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 pounds of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about March 6, 1936, by B. S. McCauley, from Cynthiana, Ky., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On April 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26085. Adulteration and misbranding of butter. U. S. v. One Barrel of Butter. Default decree of condemnation and destruction. (F. & D. no. 37682. Sample no. 56240–B.)

This case involved an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On March 11, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about March 7, 1936, by the Blaine Mercantile Co., from Louisa, Ky., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

The article was alleged to be adulterated in that a product deficient in milk fat had been substituted for butter, which the article purported to be; and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be. The article was alleged to be misbranded in that it was sold as and purported to be butter, when it should have contained not less than 80 percent by weight of milk fat as prescribed by said act of March 4, 1923.

On April 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26086. Misbranding of butter. U. S v. 30 Cases of Butter. Consent decree of condemnation. Product released under bond for reconditioning. (F. & D. no. 37683. Sample no. 46724–B.)

This case involved an interstate shipment of butter that contained less than 80 percent of milk fat.

On January 29, 1936, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of butter at Honolulu, Hawaii, alleging that the article had been shipped in interstate commerce on or about January 20, 1936, by Theo. H. Davies & Co., from San Francisco, Calif., and that it was misbranded in violation of the Food and Drugs Act. The article, contained in 1-pound cartons, each containing four 4-ounce wrapped prints, was labeled in part: (Cartons) "Isleton Creamery Butter Quarters and The Fat of the Land Net Weight One Pound"; (print wrappers) "Isleton Gems The Fat of the Land First Quality Pasteurized Butter Net Weight Four Ounces Distributed by O. Casperson & Sons San Francisco, California."

The article was alleged to be misbranded in that the said statements on the cartons and on the print wrappers were false and misleading and deceived and misled the purchaser, since they represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923; whereas the article in fact contained less than 80 percent by weight of milk fat.

On January 29, 1936, T. H. Davies & Co., Ltd., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be reconditioned and repacked.

W. R. Gregg, *Acting Secretary of Agriculture.*

26087. Adulteration of canned salmon. U. S. v. 10,433 and 632 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. nos. 37687, 37692. Sample nos. 66887–B, 73451–B, 73453–B, 73458–B.)

These cases involved shipments of canned salmon that was in part decomposed.

On April 27 and April 28, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 11,065 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 21, 1935, by San Juan Fishing & Packing Co., from Port San Juan, Alaska, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Case) "Black Top Brand Select Pink Salmon Distributed by Kelley-Clarke Company Seattle Washington"; (can) "Black Top Brand Select Pink Salmon." The remainder was unlabeled.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 15, 1936, the San Juan Fishing & Packing Co., claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it not be disposed of in violation of the Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

26088. Adulteration of canned salmon. U. S. v. 776 Cartons of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37688. Sample nos. 66888–B, 73454–B.)

This case involved a shipment of canned pink salmon that was in part decomposed.

On April 27, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 776 cartons of unlabeled cans of pink salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 24, 1935, by Uganik Fisheries, Inc., from Uganik, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 19, 1936, the Uganik Fisheries, Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26089. Adulteration of crab meat. U. S. v. One Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 37693. Sample no. 52997–B.)

This case involved a shipment of crab meat that was contaminated with fecal *Bacillus coli.*

On April 28, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about April 24, 1936, by Tecol Products Co., from Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26090. Adulteration of canned salmon. U. S. v. 52 Cases of Canned Salmon. Consent decree ordering the release of the product under bond. (F. & D. no. 37710. Sample nos. 73239–B, 73263–B.)

This case involved canned salmon that was in part decomposed.

On May 6, 1936, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 cases of canned salmon at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about January 10, 1936, by Seufert Bros., Co., from The Dalles, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "Merrimac Brand Choice Columbia River Salmon."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 17, 1936, the Seufert Bros., Co., having appeared as claimant and having consented to the entry of a decree, judgment was entered ordering that the product be released under bond conditioned that it not be disposed of in violation of the Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

26091. Adulteration of crab meat. U. S. v. 8 Barrels and 488 Cans of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 37720, 37723. Sample nos. 62768, 62768–B.)

These cases involved canned crab meat that was in whole or in part decomposed.

On May 7, 1936, the United States attorneys for the District of Columbia and the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight barrels of crab meat at Washington, D. C., and 488 pound cans of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate com-

merce on or about May 1, 1936, by the Seacoast Fish & Shrimp Co., from Raceland, La., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 9 and June 11, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26092. Adulteration of canned salmon. U. S. v. 47 Cases of Canned Salmon. Default decree of forfeiture and destruction. (F. & D. no. 37722. Sample nos. 73262–B, 73769–B.)

This case involved a shipment of canned salmon that was in part decomposed.

On May 8, 1936, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 47 cases of canned salmon at Idaho Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about February 18, 1936, by the Rogers Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "Show Boat Brand Fancy Alaska Pink Salmon."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 13, 1936, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26093. Adulteration of flour. U. S. v. 300 Sacks of Flour. Default decree of condemnation and destruction. (F. & D. no. 37736. Sample no. 61881–B.)

This case involved flour that was badly damaged by flood water and that was moldy.

On or about May 19, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 sacks of flour at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about March 10, 1936, by the Cape County Milling Co., from Jackson, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed vegetable substance.

On June 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26094. Adulteration of crab meat. U. S. v. 15 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 37739. Sample no. 45520–B.)

This case involved a shipment of canned crab meat that contained fecal *Bacillus coli.*

On May 15, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of fifteen 1-pound cans of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about May 12, 1936, by A. S. Varn, from Thunderbolt, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26095. Adulteration of canned salmon. U. S. v. 49 Cartons of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37744. Sample nos. 73501–B, 73522–B.)

This case involved a shipment of salmon that was in part decomposed.

On May 18, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cartons of canned salmon at Seattle, Wash., alleging that the article had been shipped on or about

August 7, 1935, by the Berg Packing Co., from Ketchikan, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 10, 1936, the Berg Packing Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it not be disposed of in violation of the Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

26096. Adulteration of canned salmon. U. S. v. 1,993 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37745. Sample no. 52336–B.)

This case involved a shipment of canned salmon which was in part decomposed.

On May 16, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,993 cases of canned salmon at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about April 3, 1936, by the Wesco Food Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dawn Brand Alaska Pink Salmon * * * Packed in Alaska * * * Packed by Sebastian Stuart Fish Company, Seattle, Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 26, 1936, the Sebastian Stuart Fish Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it not be disposed of in violation of the Food and Drugs Act.

W. R. Gregg, *Acting Secretary of Agriculture.*

26097. Adulteration of crab meat. U. S. v. Twenty-two 1-Pound Cans of Crab Meat, et al. Default decrees of condemnation and destruction. (F. & D. nos. 37746, 37751, 37752, 37784. Sample nos. 45522–B, 64233–B, 64236–B, 64237–B.)

These cases involved shipments of crab meat that contained fecal *Bacillus coli.*

On May 16, May 18, and May 19, 1936, the United States attorneys for the District of Columbia and the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 37 cans and 2 barrels of crab meat at Washington, D. C., and one tub of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 12, May 14, and May 16, 1936, by Brunswick Fisheries, Inc., from Brunswick, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 9 and June 25, 1936, no claimants having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26098. Misbranding of olive oil. U. S. v. 9 Cartons of Olive Oil. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. & D. no. 37747. Sample no. 59622–B.)

This case involved a shipment of olive oil that was short in volume.

On May 18, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cartons of olive oil at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 4, 1936, by Hampden Sales Association, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Miami Pure Virgin Olive Oil from the Finest Selected Olives. * * * 2 Fluid Ounces."

The article was alleged to be misbranded in that a statement on the label, "2 Fluid Ounces", was false and misleading and tended to deceive and mislead the purchaser when applied to a product in bottles containing less than 2 fluid ounces; and in that it was food in package form and the quantity of contents

was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On June 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

W. R. Gregg, *Acting Secretary of Agriculture.*

26099. Adulteration of crab meat. U. S. v. 296 Tins and 116 Tins of Crab Meat. Consent decree of forfeiture and destruction. (F. & D. no. 37753. Sample nos. 64228–B, 64231–B.)

This case involved a shipment of crab meat that contained fecal *Bacillus coli.*

On May 19, 1936, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 412 tins of crab meat at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about May 14, 1936, by J. S. Graves, from Bluffton, S. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 22, 1936, L. P. Maggioni & Co., Savannah, Ga., having appeared and claimed ownership and having consented to the destruction of the product, judgment was entered ordering that it be forfeited and destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26100. Adulteration of vinegar. U. S. v. Herbert D. Hollwedel. Plea of guilty. Fine, $200. Payment suspended and defendant placed on probation. (F. & D. no. 31498. Sample nos. 8945–A, 21762–A.)

This case involved an interstate shipment of vinegar that contained arsenic in an amount that might have rendered it injurious to health.

On July 23, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Herbert D. Hollwedel, trading as H. D. Hollwedel, Rochester, N. Y., charging shipment by said defendant in violation of the Food and Drugs Act on or about September 6, 1932, from the State of New York into the State of Pennsylvania of a quantity of vinegar that was adulterated. The article, contained in barrels, was labeled: "W. E. Mathes Vinegar Co. Pure Apple Cider Vinegar. Made From Fresh Apples Reduced To 4% Acidity 33 Gals. Albion, N. Y."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, in an amount which might have rendered it injurious to health.

On August 21, 1936, the defendant entered a plea of guilty, and the court imposed a fine of $200, suspended its payment, and placed the defendant on probation for 1 year.

W. R. Gregg, *Acting Secretary of Agriculture.*

26101. Alleged misbranding of salad oil. U. S. v. 52 Gallon Cans and 142 Gallon Cans of Salad Oil. Exceptions sustained and libels dismissed. (F. & D. nos. 34459, 34565. Sample nos. 21215–B, 21261–B.)

These cases involved a product which was sold as salad oil. Examination showed that it consisted of sunflower oil or an oil similar to sunflower oil, with some cottonseed oil present in one lot.

On or about December 6 and December 18, 1934, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 52 gallon cans of salad oil at Hartford, Conn., and 142 gallon cans of salad oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce in part on or about November 13, 1934, by A. Krasne, from New York, N. Y., and in part on or about November 22, 1934, by the Agash Refining Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The charges against the product appear in the opinion.

The Agash Refining Corporation intervened and filed exceptions to the libels. On April 10, 1935, the court handed down the following memorandum decision sustaining the exceptions:

Thomas, *District Judge:* The Agash Refining Corporation of Brooklyn, New York, is the refiner and packer of the products involved in these proceedings, and by order of Court dated January 8th, 1935, was given leave to intervene.

Exceptions to the libels were filed on January 15, 1935, whereupon the libelant filed motions to dismiss the exceptions which are identical in both cases. As they were argued and briefed together they may be disposed of in a single memorandum.

In the first case, No. 3608, the libel charges that the intervenor's "Italian Cook Brand" container violates the Act of Congress approved June 30, 1906, commonly known as the Food and Drugs Act, U. S. C. A. Title 21, Section 1, particularly Section 8, general paragraph and paragraph second, in the case of food, U. S. C. A. Title 21, Sections 9 and 10, in that the statements and colors on the label are misleading and tend to deceive and mislead purchasers because they create the impression that the product is Italian olive oil, whereas it is not; in that the statement on the label, "Pure Vegetable Salad Oil", is misleading and tends to deceive the purchaser because this term may include olive oil; and in that it purports to be a foreign product when in fact it is not.

The libel in the second case, No. 3619, charges that the intervenor's Messina Brand product violates the same statute in that the statements on the label are misleading and tend to deceive and mislead the purchaser because they create the impression that the product is Italian Olive Oil when in fact it is not; and in that it purports to be a foreign product, which it is not.

At oral argument the intervenor presented, and by agreement of counsel there was admitted in evidence a can in each case bearing its respective label, which was offered for consideration by the Court.

The exceptions in each case attack the libels for failure to accurately describe the packages, and assert that the libels are insufficient in law because an examination of the container establishes, as a matter of law, that the package shows nothing which is either misleading or deceptive. The intervenor argues that all that appears on the container should be considered in reaching a conclusion and that a conclusion should not be based upon such excerpts from the container as have been recited in the libel. This argument is sound because it is only when taken as a whole—it is only when all that appears upon all sides of the container is considered that any safe or fair conclusion can be reached.

The claim made by the libelant that either one or both of these containers suggest a foreign origin is a far cry from the fact. With reference to this, Section 9 of the Statute provides that the term "misbranded" shall apply "to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced." It seems quite clear to me, after an examination of all the labels, that none of them fall within the condemnation of the statute. The Italian Cook Brand label is entirely English, except for one side panel upon which there is a statement as to the uses for the oil which is printed in Italian which is no more than a translation of the English upon the other side panel, both of which carry prominently the words, "Agash Refining Corp., Bush Terminal, Brooklyn, New York." There is nothing else upon the label having reference to place or origin. The appearance on the front and back panels of the can of three colored diagonal stripes of red, white, and green, as a background for the printed matter, lends no support to libelant's contention that because there are three vertical stripes of red, white, and green in the National Flag of Italy one must conclude that the oil within the container is a product of Italy. Looking at the container it is incredible that anyone of fair intelligence could be deceived into thinking that the product inside of it was manufactured or produced in Italy. On the contrary, it must appear to that same person of fair intelligence that the Agash Refining Corporation of Brooklyn, New York is its producer, and that it is a domestic article.

The Messina Brand Label. Nothing about this container suggests a foreign product. Both the front and back panels show clearly and distinctly the words "Made in U. S. A."

There only remains for decision the question of whether either label tends to create a belief in the mind of a purchaser that the product contained in the cans is olive oil. The printed legend describes the contents as "Pure Vegetable Salad Oil." That pure vegetable salad oil has been recognized by the Federal Specifications Board seems clear. In its pamphlet issued September 16, 1930, the Federal specification for "Oil; Vegetable, Salad", specifies two types, to wit, type A which is "any edible vegetable Oil, excepting olive oil", and type B which is "any designated type of edible vegetable oil, excepting olive oil." It seems clear that the test requirements as above set forth are such as to show that olive oil could not qualify under the description of "vegetable salad oil"

by reason of the obvious characteristics of olive oil. The second edition of Webster's New International Dictionary, published in 1934, defines "salad oil" as "an oil for salad dressing, specifically in trade any edible oil other than olive oil, as cottonseed, corn, or peanut oil." Adopting the principle that courts may judicially notice much which they cannot be required to notice it may be observed that in advertising these oils tradesmen invariably describe "olive oil" as "olive oil" and all other oils as "salad oils." Furthermore, while technically olive oil may be classed as a vegetable oil by way of distinguishing it from animal or mineral oils, by common understanding as well as by dictionary definition, olive oil is a fruit oil since the olive is defined as a fruit of the olive tree and olive oil as "oil expressed from the ripe fruit of the olive"; whereas the other oils commonly known as "salad oils" are strictly vegetable oils, as the word "vegetable" is commonly understood.

There is nothing in the case of *U. S.* v. *95 Barrels of Vinegar*, (265 U. S. 438) which lends support to the contention of the Government in this case. There it was found as a fact that the product labeled "Apple Cider Vinegar made from selected apples" was not in fact apple cider vinegar as that term was generally understood.

In the case at bar the intervenor's product is concededly vegetable salad oil and in my opinion does not even tend to mislead or deceive "the purchaser", who, in the case of a sale at retail, would be one of the general public not necessarily informed as to the trade meaning of words, into believing that the product is, as a matter of fact, olive oil. Regardless of what the understanding may have been many years ago when about the only salad oil commonly known was olive oil, to-day with great advances made over the old days the words "salad oil" and "olive oil" are everywhere recognized as being distinctly different products. To-day it can hardly be claimed that there is confusion even, much less deceit, in the use of the words "salad oil" and "olive oil." They are recognized as two separate articles. The words on the can "Pure Vegetable Salad Oil" cannot possibly be understood to mean olive oil or lead one to believe that he is purchasing olive oil.

While it is true that the only evidence we have here is the pleadings, including the exceptions which stand admitted on the motion to dismiss, together with the cans with the labels upon them, I am of the opinion that the application of the doctrine of judicial notice, referred to supra, is ample justification for the conclusions herein reached. Amplification of the doctrine may be found in Wigmore on Evidence, 2nd Ed. Vol. 5, sec. 2583. Hence I hold that the instant case does not fall within the cases cited and relied upon by the libelant of which *Von Bremen et al.* v. *United States* (192 Fed. 904) is an example. In that case, and others of similar import, the prosecutions were by the United States on criminal information. Here we have proceedings in rem by way of libel for condemnation where the goods have been seized and are now in the custody of the Marshal.

It follows, therefore, that the motions to dismiss are both denied, the exceptions in both cases are sustained, the attachments vacated, and the property seized by the Marshal should be returned.

Submit decree accordingly properly consented to as to form.

On April 23, 1935, judgments were entered sustaining intervenor's exceptions and ordering that the libels be dismissed and the product returned.

W. R Gregg, *Acting Secretary of Agriculture.*

26102. Alleged misbranding of salad oil. U. S. v. 397, 62, and 76 Cases of Salad Oil. Libel dismissed. (F. & D. no. 34424. Sample nos. 17124–B, 17125–B, 17126–B.)

This case involved a product sold as salad oil which was found to consist of oil other than olive oil, probably corn oil.

On November 21, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 535 gallon, half-gallon, and quart cans of salad oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about October 1, October 20, and October 24, 1934, by the Agash Refining Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the use of the Italian national colors, together with the following statements appearing on the label, (prominent brand name on main panels) "Italian cook", (designation on side panels) "Italian Cook Oil", (on one side panel) "Per Insalate * * * ha qual

sapore delicato che mesce perfettamente con altri cibi. Per Friggere * * * da al vestro cibo quella crosta con crespezza bruna—esso non penetra, rendendo moscio il cibo. Per Infornare * * * non e troppo spesso o troppo tennuo. Mesce perfettamente. Per tutti i cibi infornati. Per Mayonnaise * * * puo essere usato con qualsiasi ricetta—non occorre sperimentare. * * * e un'olio vegetale puro", were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was Italian olive oil; whereas it was not. The article was alleged to be misbranded further in that the statement "Pure Vegetable Salad Oil" was misleading and tended to deceive and mislead the purchaser, since the term is also applicable to olive oil, and in that the article purported to be a foreign product when not so.

On January 12, 1935, an order was entered granting the Agash Refining Corporation the right to intervene. On January 31, 1935, the intervenor filed exceptions to the sufficiency of the libel and, subsequently, the Government filed a motion to dismiss intervenor's exceptions. On August 26, 1936, the Government's motion to dismiss the exceptions was argued and was denied, the court handing down the following memorandum decision:

FORMAN, *Judge:* On November 21, 1934, the government filed a libel against the above designated Salad Oil, then in the possession of one of the customers of Agash Refining Corporation, hereafter referred to as "Agash." The libel was filed under the Food and Drugs Act of June 30, 1906 (21 U. S. C. A. Section 1 et seq.), on the ground that it was misbranded within the meaning of Section 8 of said Act (21 U. S. C. A. Section 10). Agash is the refiner and packer of the products involved in these proceedings. After the seizure, Agash filed a petition to intervene and an order was entered accordingly. Agash then filed exceptions to the libel and the government moved to dismiss the exceptions for the reason that Agash lacked a substantial interest in the seized property and that the order to intervene was entered without notice to the government. The matter was then presented to the court for hearing on the exceptions and the motion of the government.

It was conceded that notice was not given to the government of the application to intervene. It was also conceded that the government had in its files for a considerable period of time, a copy of the order granting the right to intervene without making any motion to vacate it. The same arguments presented to the court on the hearing with respect to this phase of the matter are the arguments that would have been presented if notice had been given.

The interest of Agash in the proceedings is based upon the following facts: (1) that the seized cans of oil bore labels on which appeared "Italian Cook Brand", being a trademark which it owns and under which it has marketed its products for over twenty years last past; and (2) that it must compensate its purchaser for any loss by reason of the seizure if the government prevails.

As a general rule intervention is permitted (a) in the discretion of the court when the ends of justice will be served by permitting the petitioner to be heard, and (b) as an absolute right when the petitioner has a direct interest in the litigation and the subject matter thereof, and such intervention is necessary for its protection. *Richfield Oil Co.* vs. *Western Machinery Co.* (279 Fed. 852); *Central Trust Co.* vs. *Chicago* (218 Fed. 336). In a suit against a sublicensee of a patent, the main licensee is permitted to intervene to protect its sublicensee. *Hewes* vs. *Meyerson* (36 Fed. (2d) 1001).

It has been stated in general terms that the right of a third person to intervene in an action at law in which he is not a party depends largely, if not entirely, upon the necessity for such intervention in order that the intervener may protect his rights, but in most jurisdictions it is not required that applicant shall be a necessary party in order to permit intervention. 47 C. J., page 97, Sec. 190.

While it is true that the statute directs that the proceedings conform to Admiralty practice, rights are determined as in any action at law. *Four Hundred and Forty Three Cans of Frozen Egg Product* vs. *United States* (226 U. S. 172), in which case the Supreme Court said:

We do not think it was intended to liken the proceedings to those in admiralty beyond the seizure of the property by process in rem, then giving the case the character of a law action, with a trial by jury if demanded, and with the review already obtaining in actions at law.

See also the case of *United States* vs. *French Sardine Co. Inc.* (80 Fed. (2d) 325). In the case of *Hipolite Egg Co.* vs. *U. S.* (220 U. S. 45), it appears affirmatively from the opinion that the shipper contested, although the res was property of another (the purchaser). In that opinion the vital interest and concern of the shipper or manufacturer is well demonstrated, as the Court

points out the dual purpose of the Food and Drugs Act to punish the goods as well as the shipper of the goods.

The right to intervene cannot be determined on the same basis as a strict admiralty proceeding involving a ship. If the manufacturer is not permitted to intervene he has no way of protecting his product unless he is able to secure the cooperation of the purchaser to defend the action. If, however, the purchaser is not willing to do so, the position of the manufacturer is helpless unless he is given the right to intervene.

The interests of Agash are vitally affected by these proceedings and it is the conclusion of the court that Agash was and is entitled to intervene. The court further feels that the government should not interpose technical objections in matters of this kind to deprive persons vitally interested in the outcome of the litigation, of an opportunity to be heard.

The libel alleges misbranding within the meaning of the aforesaid act, as follows: (1) That the statement on the label "Pure Vegetable Salad Oil" misleads or tends to mislead the purchaser into believing he is purchasing olive oil; (2) the use of the Italian National colors, plus certain wording on the label creates the impression that the product is Italian olive oil; (3) that it purports to be a foreign product when as a matter of fact it is a domestic product.

The second edition of Webster's New International Dictionary, published in 1934, defines "salad oil" as "an oil for salad dressing, specifically in trade any edible oil other than olive oil, as cottonseed, corn, or peanut oil." In *Von Bremen* vs. *United States* (192 Fed. 904), the defendants were charged with misbranding, for having labeled sesame-seed oil as salad oil, the indictment charging that the description "salad oil" meant "olive oil." The Circuit Court of Appeals for the second circuit held that the defendants were entitled to an instructed verdict of acquittal. The Department of Agriculture recognizes the difference between "salad oil" and olive oil", as is indicated in its Service and Regulatory Announcements, #393 published in Dunn's Food & Drug Laws, Vol. 1, page 106 (1922):

> The use of wholesome vegetable oils other than olive oil for salad purposes has become widespread. The term "salad oil" is no longer indicative of olive oil exclusively. In the absence of any statement, design, or device on the labels conveying directly or by implication any false or misleading impression concerning the origin or characteristics of the product, no objection will be made to the designation of edible vegetable oils other than olive oil as "salad oil", with or without qualification.

On the argument, statement was made by counsel for Agash that the salad oil in question sold for about twenty-five percent of the price charged for olive oil, and this statement was not denied by the government. It is inconceivable under the circumstances that a person of ordinary intelligence could believe he was purchasing pure olive oil.

A can similar in every respect to that of the seized property and bearing the identical label was submitted to the court for inspection on the argument. The label speaks for itself.

The court must determine the issue mainly by an inspection of the label itself.—*U. S.* vs. *267 Boxes of Macaroni* (225 Fed. 79).

The words, "Agash Refining Corp. Bush Terminal, Brooklyn, New York", are prominently printed on the label. In this respect the case is distinguished from *U. S.* vs. *267 Boxes of Macaroni*, supra, where the words "Mfg. U S A" were in "small type within less than an inch of space, on the very narrow white margin on the lower edge of the label", and the name of the manufacturer and his location did not appear on the label. The court has the right to presume that the purchasers are of average intelligence. There is no basis for the libellant's contention that the public is deceived or likely to be deceived into believing that the product is a foreign one.

The libel next alleges that the use of the Italian national colors, together with the words on the main panels, "Italian Cook" plus "Italian Cook Oil" on the side panels and certain Italian words relating to the product on one side panel, is misleading.

In this case there appears on the front of the can in large letters in English the words "Italian Cook Brand" over the picture of the upper part of a man dressed as a cook. This is a trade-mark which the packer has used on its products for over twenty years. Obviously the government does not contend that the trade-mark in itself is deceptive. It points to one small side panel of the can and says the wording is in the Italian language. On the other side panel, however, the same thing is set forth in the English language. There is

nothing said either in the English or the Italian to mislead any person of average intelligence that the product is Italian olive oil. This also distinguishes the case from *U. S.* vs. *267 Boxes of Macaroni*, supra. The libellant, however, goes one step further and says that the Italian national colors appear on the can which misleads the public into believing the product is Italian olive oil. On the front and back panels of the can, there are three diagonal stripes of red, white, and green, as a background for the printed matter. There are three vertical stripes of red, white, and green in the national flag of Italy. Is the court to believe that the public has been deceived for years into thinking that "Canada Dry Ginger Ale" is a Canadian product because the word "Canada" is part of its trade name, and because the map of Canada is displayed on its label? Is the court to believe that the public considers "Italian Balm" an Italian or foreign product? Is the court to believe that the public is misled by "Kraft French Dressing" and numerous similar products prepared by reputable dealers and which have been in use for years? The court gives the public credit for not being so gullible. It believes the can in question does not mislead nor is it likely to mislead the public as alleged in the libel.

Exceptions to a libel serve practically the same purpose as a motion to strike because the libel does not disclose a cause of action. The averments in the libel properly pleaded, but not the conclusions of the libellant, are admitted in determining whether the libel sets forth a cause of action. The court, however, is not compelled on the argument of the exceptions to accept as true averments in the libel that are conclusively shown to have no basis in fact. In this particular instance the res was submitted, without objection, to the court for inspection and examination. The court is convinced after such examination that there is no basis in fact for the libel and that it should be dismissed. If the government files a libel in which it avers the article is black, exceptions are taken, and on the argument the court is permitted to examine the article and finds that it is white, the libel should be dismissed forthwith. If this were not so, the government, through its authorized agents, could libel any product that it desired and the manufacturer of the same could be ruined financially before the matter was heard by a jury. What good would it do such a manufacturer if the jury decided in his favor after the damage was done? A summary method of this type must be available at all times. While the court has the power to dismiss a libel as herein set forth, it is a power which should not be used excepting in a case where there is obviously no basis for the libel and where there could be only one possible verdict that a jury could return; otherwise the libel should not be dismissed.

The exceptions are sustained. The motion to dismiss the exceptions is denied. The attachments are vacated and the property seized by the Marshal is to be returned. A decree may be entered in accordance with this opinion.

The government made similar seizures of the same product, that is the same can and label, in the District of Connecticut, and the court's attention has been called to the opinion of Judge Thomas, rendered on April 10, 1935, sitting in the District Court for the District of Connecticut, involving the same exceptions that were taken to similar libels, and this court has reached the same conclusion as was reached by Judge Thomas in his opinion.

On September 8, 1936, judgment was entered ordering that the libel be dismissed and the product returned to the claimant.

W. R. Gregg, *Acting Secretary of Agriculture.*

26103. Alleged misbranding of salad oil. U. S. v. 20 Cases of Salad Oil. Exceptions filed by intervenor; exceptions dismissed. Tried to the court. Libel dismissed. (F. & D. no. 34423. Sample no. 24002–B.)

This product consisted principally of cottonseed oil and was sold as salad oil.

On November 19, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of salad oil at Easton, Pa., alleging that the article had been shipped in interstate commerce on or about June 6, 1934, by the Agash Refining Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Italian Cook Oil."

The article was alleged to be misbranded in that certain statements appearing in the labeling, together with the use of the Italian national colors thereon, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was Italian olive oil, whereas it was not; in that the statement on the label "Pure Vegetable Salad Oil" was mis-

leading and tended to deceive and mislead the purchaser, since the term is also applicable to olive oil; and in that it purported to be a foreign product when not so.

On January 11, 1935, the Agash Refining Corporation, which had been granted leave to intervene, filed exceptions to the sufficiency of the libel, and on January 15, 1935, the Government moved to strike the exceptions. On June 2, 1936, the intervenor's exceptions were dismissed with the following opinion:

DICKINSON, *Judge:* Leave was granted to file Briefs. That of the claimant was delayed because of the illness of counsel. It has now been received.

There is little danger of anyone suffering from dizziness because of the rapidity of movement in this case. The libel was filed November 19th, 1934. The exceptions in question were filed January 11th, 1935. The motion before us to strike off was made January 15th, 1936. The argument was held March 24th, 1936, and counsel were unable to submit final Briefs until May 29th, 1936. Admiralty is made the procedural guide in these libel condemnation cases.

The exceptions filed are intended to serve the purposes of a demurrer and to raise the question of whether the libel discloses a cause of action. The Admiralty Rule authorizing exceptions is Rule 27. This allows an exception to be filed to the "sufficiency" of any pleading, and hence the libel. Our own Rules are 24 and 36. Admiralty Rule 21 requires "notice to all persons concerned in interest" to appear, etc.

The exceptions are four. One of them raises the question of the sufficiency of the libel to disclose a cause of action. The motion to strike off is based upon the averment that the exceptant has no ownership in the seized salad oil.

We have been favored with elaborate arguments upon the right of the exceptant to intervene. Inasmuch, however, as no judgment of forfeiture can be entered unless the libel discloses a cause of action, this question confronts the libellant.

The main objective of the Food and Drugs Act is to save the purchasing public from being deceived. It is the merit and defect of the English language that except in its technical terms the meaning of its words must be gathered as much from their setting as from the words employed. The word "deceive" is an illustration. It is like and indeed included in the word "fraud." Every hearer or reader attaches to it a meaning and yet it is a word which defies definition. The division of facts into evidentiary and ultimate is useful here. The fact that a label bears certain words and marks is an evidentiary fact. What meaning would be conveyed to the mind of the reader is an ultimate fact. It may be said to be a conclusion, and so it is, in that an ultimate fact is an inference drawn from evidentiary facts. It is none the less a fact inference. We have, for illustration, the averment that the label here in question displays the word "Italian." This is an evidentiary fact. The ultimate fact averred is that from seeing the word "Italian", the reader would infer that the article encased in the can which bore the label came from Italy. So he might, but if along with the word "Italian", he saw the words "made in America", he might not. So with the words "Pure Vegetable Salad Oil." The evidentiary fact is averred that the label contains these words. The ultimate fact is further averred that this would be read as meaning that the product was olive oil. The point made is that the ultimate fact averment is an averred fact, not a conclusion which the Court may draw.

The exceptions are dismissed, with leave to the intervening claimant to answer over.

On August 19, 1936, the case having come on for trial before the court, the pleadings, and a stipulation of facts, the court handed down the following opinion:

DICKINSON, *Judge:* This cause was heard as upon final hearing. Exceptions were filed to the libel, and a motion made to strike or dismiss the exceptions. This motion was disposed of upon the well established distinction between evidentiary facts and ultimate fact findings made therefrom. The evidentiary facts are not in dispute. These facts are averred in the libel, and the further ultimate facts are averred that the label in use by the intervening respondent is misleading in that the salad oil referred to in the label is thereby averred to be an olive oil and to be produced in Italy; whereas in fact the oil is not olive oil and is the product of domestic manufacture. The label is because of this asked to be condemned as misleading and in violation of the provisions of the Food and Drugs Act.

Viewing the ultimate fact averments to be averments of fact and not merely an interpretation of the meaning of the language of the label, we held that the

question should be disposed of as a question of fact. The parties thereupon by stipulation duly filed, waived the right to a trial by jury and submitted the case to the Court sitting without a jury. We accordingly thus dispose of it.

Findings of Fact. 1. The evidentiary facts are found in accordance with the stipulation entered into by the parties.

2. The ultimate fact finding is made in favor of the respondent that the salad oil in question is not represented by the label to be an olive oil nor is it represented to have been made in the Kingdom of Italy.

Discussion. Judge Forman, of the New Jersey District, in the kindred case of the United States against cases of salad oil has so well and so satisfactorily discussed the merits of this cause that we deem further discussion unnecessary. We accordingly limit ourselves to a statement of the conclusions of law reached.

Conclusions of Law. 1. The label set forth and complained of in the libel is not in violation of the provisions of the Food and Drugs Act.

2. The libel should be dismissed.

A formal order dismissing the libel may be submitted.

On August 27, 1936, judgment was entered dismissing the libel and ordering the return of the product to the intervenor.

W. R. Gregg, *Acting Secretary of Agriculture.*

26104. Misbranding of salad oil. U. S. v. 27 Cans of Salad Oil. Exceptions to libel filed. Motion to strike exceptions granted. Consent decree of condemnation and destruction. (F. & D. no. 34689. Sample no. 21277–B.)

This product consisted essentially of sunflower oil with some cottonseed oil and was sold as salad oil.

On January 3, 1935, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cans of salad oil at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about October 8, 1934, by the Agash Refining Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Messina Brand Extra Fine Oil for Salads."

The article was alleged to be misbranded in that the following statements appearing on the label, "Marca Messina Olio Extra Fino Per Insalate, Cucina e Mayonnaise Pure Vegetable Salad Oil L'olio vegetale contenuto in questa scatola viene altamente recommandato per uso di tavola, per insalate, per mayonnaise, e per cucinare. Si garantisce ad essere assolutamente puro", were misleading and tended to deceive and mislead the purchaser since they created the impression that the product was Italian olive oil; whereas it was not. The article was alleged to be misbranded further in that it purported to be a foreign product when not so.

The Lucca Importing Co., Bridgeport, Conn., appeared as claimant for the goods and the Agash Refining Corporation intervened as manufacturer and filed exceptions to the libel. On October 23, 1935, the Government filed a motion to strike the exceptions of the Agash Refining Corporation. On November 15, 1935, the Government's motion to strike was heard and was granted, the court handing down the following memorandum decision:

Hincks, *Judge*: In this matter the Agash Refining Corporation was admitted as an intervenor upon the representation that it was the manufacturer of the subject matter of seizure. The matter comes before the court upon a motion of the Government, as libellant, to strike the exceptions of the intervenor to the libel.

Thereafter, however, the consignee claiming to be the owner of the goods in question, by answer admitted the allegations of the libel, and influenced doubtless by the small value of the seizure, consented to a forfeiture praying, however, for a return of the goods under bond.

On argument, the intervenor protested against the judicial elimination of its exceptions on the ground that a decree of forfeiture was a reflection, with serious commercial consequences, upon its trade-mark which appeared on the labels on the goods seized. The exceptions, however, seem not to support that contention, for the exceptions contain no reference to any trade-mark owned by the intervenor.

Consequently, by reason of the limited language of the exceptions, it does not appear that the intervenor has any standing to oppose a forfeiture which the Government seeks, and which the claimant has consented to. That being so, there is no need for the court to pass upon the underlying question as to whether an intervenor who has no standing in the case other than its owner-

ship of the trade-mark appearing on the goods is in a position to contest the allegations of the libel, when the claimant has admitted the same.

This matter being in admiralty, the decree will operate only upon the res; neither in word nor in effect will it touch any right of the intervenor with respect to its trade-mark. And since in open court the intervenor expressly disclaimed any desire to repossess the goods, and expressed consent to any decree which does not disparage its trade-mark, it cannot possibly suffer prejudice from this ruling.

And so, without prejudice to the intervenor with respect to its trade-mark, and without expressing any disagreement with the decision of Judge Thomas in a similar case wherein it appears that the same label as that here involved did not constitute a misbranding within the meaning of the Pure Food and Drugs Act, I rule only that the motion to strike the exceptions may be granted and that

A decree of forfeiture may enter.

On July 28, 1936, the Lucca Importing Co. having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

26105. Misbranding of salad oil. U. S. v. 52 Gallon Cans of Salad Oil. Default decree of condemnation. Product distributed to charitable institutions. (F. & D. no. 34460. Sample no. 21224–B.)

This case involved a product that consisted of sunflower oil which was sold as salad oil.

On or about December 6, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 gallon cans of salad oil at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about October 1, 1934, by A. Krasne from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act.

The article was labeled in part: "Italian Cook Brand Pure Vegetable Salad Oil * * * Agash Refining Corp. Bush Terminal, Brooklyn, N. Y."

The article was alleged to be misbranded in that the following statements on the label and the use of the Italian national colors thereon were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was Italian olive oil; whereas it was not: "Italian Cook Italian Cook Oil Per insalate * * * ha quel sapore delicato che mesce perfettamente con altri cibi. Per Friggere * * * da al vostro cibo quella crosta con crespezza bruna—esso non penetra, rendendo moscio il cibo. Per infornare * * * non e troppo spesso o troppo tennuo. Mesce perfettamente. Per tutti i cibi infornati. Per Mayonnaise * * * puo essere usato con qualsiasi ricetta—non occorre sperimentare. * * * e un'olio vegetale puro." Misbranding was alleged for the further reason that the statement on the label, "Pure Vegetable Salad Oil", was misleading and tended to mislead the purchaser since this term might include olive oil. Misbranding was alleged for the further reason that the article purported to be a foreign article when not so.

On April 22, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be distributed to charitable institutions.

W. R. Gregg, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 26001–26105

[1] Contains an opinion of the court.

U. S. GOVERNMENT PRINTING OFFICE: 1937

N. J. F. D. 26106–26175 [Issued February 1937]

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

26106–26175

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 13, 1937]

26106. Adulteration of acetanilid, caffeine citrate, and sodium bicarbonate capsules. U. S. v. W. T. Kerfoot, Jr. Plea of guilty. Fine, $25. Execution of sentence suspended. (F. & D. no. 28092. I. S. no. 37563.)

This case involved drug capsules which differed from the standard of strength and purity under which they were sold.

On October 31, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District of Columbia an information against W. T. Kerfoot, Jr., Washington, D. C., alleging that on or about November 2, 1931, the defendant had sold in the District of Columbia a quantity of acetanilid, caffeine citrate, and sodium bicarbonate capsules that were adulterated.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was represented to consist of 12 capsules composed in part of 42 grains of acetanilid, whereas it consisted of 12 capsules composed in part of more than 42 grains of acetanilid.

On March 1, 1935, the defendant filed a motion to quash which was denied by the court on August 30, 1935, without opinion. On November 22, 1935, the defendant entered a plea of guilty and the court imposed a fine of $25 but ordered that execution of sentence be suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26107. Adulteration of compound solution of iodine. U. S. v. J. Sidney Wolfe (Argyle Pharmacy). Plea of guilty. Fine, $25. Execution of sentence suspended. (F. & D. no. 28104. I. S. no. 42019.)

This case involved compound solution of iodine that differed from the pharmacopoeial standard.

On October 31, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District of Columbia an information against J. Sidney Wolfe trading as the Argyle Pharmacy, Washington, D. C., alleging that on or about November 2, 1931, the defendant had sold in the District of Columbia a quantity of compound solution of iodine that was adulterated.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein since the said pharmacopoeia specified that liquor iodi compositus, viz, compound solution of iodine, shall contain in each 100 cubic centimeters not less than 4.8 grams of iodine and not less than 9.8 grams of potassium iodide; whereas the article contained less iodine and less potassium iodide than so specified, i. e., it contained not more than 3.95 grams of iodine and not more than 7.92 grams of potassium iodide in each 100 cubic centimeters; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On March 7, 1935, the defendant entered a plea of guilty and the court imposed a sentence of $25 but ordered that execution of sentence be suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

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26108. Alleged adulteration of compound solution of iodine. U. S. v. Brookland Pharmacy, Inc. Tried to the court. Judgment of not guilty. (F. & D. no. 28105. I. S. no. 42638.)

A sample of the product involved in this case was found to differ from the standard established by the United States Pharmacopoeia.

On October 31, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District of Columbia an information against the Brookland Pharmacy, Inc., trading at Washington, D. C., alleging that on or about November 2, 1931, the defendant sold in the District of Columbia a quantity of compound solution of iodine that was adulterated.

Adulteration of the article was charged in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein, in that the pharmacopoeia specified that liquor iodi compositus, i. e., compound solution of iodine, should contain in each 100 cubic centimeters not more than 5.2 grams of iodine and not more than 10.2 grams of potassium iodide; whereas the article did not comply with the requirements of the said pharmacopoeia in that it contained more iodine and more potassium iodide than so specified, namely, not less than 5.74 grams of iodine and not less than 11.8 grams of potassium iodide per each 100 cubic centimeters; and the standard of strength, quality, and purity of the article was not declared upon the container thereof.

On February 20, 1935, the defendant filed a demurrer, which was overruled by the court on January 3, 1936, without opinion. On March 21, 1936, the case came on for a trial before the court. The defendant introduced testimony that it had requested a sample of the drug complained of but had not received it. The court took the case under advisement and later ruled as follows:

SCHULDT, *Judge:* Inasmuch as the Government did not comply with the regulations made pursuant to the Act in regard to procedure, it occurs to the Court that the same strict construction should be applied as to the Government as is contemplated against the defendant, and the case is accordingly dismissed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26109. Adulteration of compound solution of iodine. U. S. v. Abe Schnider (Capitol Towers Pharmacy). Plea of guilty. Fine, $25. Execution of sentence suspended. (F. & D. no. 28106. I. S. no. 37785.)

This case involved compound solution of iodine that was found to differ from the pharmacopoeial standard.

On October 31, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District of Columbia an information against Abe Schnider trading as the Capitol Towers Pharmacy, Washington, D. C., alleging that on or about November 2, 1931, the defendant had sold in the District of Columbia a quantity of compound solution of iodine that was adulterated.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein since the pharmacopoeia specified that liquor iodi compositus, viz, compound solution of iodine, should contain in each 100 cubic centimeters not less than 4.8 grams of iodine and not less than 9.8 grams of potassium iodide; whereas the article contained less iodine and less potassium iodide than so specified, namely, not more than 4.297 grams of iodine and not more than 8.96 grams of potassium iodide in each 100 cubic centimeters; and the standard of strength, quality, and purity of the article was not declared upon the container.

On March 22, 1935, the defendant entered a plea of guilty and the court imposed a fine of $25 but ordered that execution of sentence be suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26110. Adulteration of elixir of sodium salicylate. U. S. v. George R. Salb. Plea of guilty. Imposition of sentence suspended. (F. & D. no. 28107. I. S. no. 42631.)

This case involved elixir of sodium salicylate that differed from the requirements of the National Formulary.

On October 31, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District of Columbia an information against George R. Salb, Washington, D. C., alleging that on or about November 2, 1931, the defendant had sold

in the District of Columbia a quantity of elixir of sodium salicylate that was adulterated.

The article was alleged to be adulterated in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down therein since it contained not more than 64 grams of sodium salicylate per 1,000 cubic centimeters; whereas the formulary provides that elixir of sodium salicylate shall contain 85 grams of sodium salicylate per 1,000 cubic centimeters; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On February 2, 1935, the defendant entered a plea of guilty and the court ordered that imposition of sentence be suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26111. Adulteration of elixir sodium salicylate. U. S. v. Enoch A. Norris. Plea of guilty. Fine, $25. Execution of sentence suspended. (F & D. no. 28108. I. S. no. 42643.)

This case involved elixir of sodium salicylate that differed from the standard established by the National Formulary.

On October 31, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District of Columbia an information against Enoch A. Norris, a member of a partnership trading as the North East Pharmacy, Washington, D. C., alleging that the defendant had sold in the District of Columbia on or about November 2, 1931, a quantity of elixir of sodium salicylate which was adulterated.

The article was alleged to be adulterated in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down therein since it contained not more than 66.9 grams of sodium salicylate per 1,000 cubic centimeters; whereas the formulary provided that elixir of sodium salicylate should contain 85 grams of sodium salicylate per 1,000 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On April 4, 1935, the defendant entered a plea of guilty and the court imposed a fine of $25, but ordered that execution of sentence be suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26112. Adulteration of elixir of potassium bromide. U. S. v. John M. Thal. Plea of guilty. Imposition of sentence suspended. (F. & D. no. 28109. I. S. no. 39680.)

This product was sold as elixir of potassium bromide and differed from the standard established by the National Formulary.

On November 1, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District of Columbia an information against John M. Thal, a member of a partnership trading as the Executive Pharmacy, Washington, D. C., alleging that the defendant had sold in the District of Columbia a quantity of elixir of potassium bromide which was adulterated.

The article was alleged to be adulterated in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down therein since it contained not less than 210.0 grams of potassium bromide per 1,000 cubic centimeters; whereas the formulary provided that elixir of potassium bromide should contain 175 grams of potassium bromide per 1,000 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On February 2, 1935, the defendant entered a plea of guilty and the court ordered that imposition of sentence be suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26113. Adulteration of compound solution of iodine. U. S. v. Hilda Frank (O'Donnell's Drug Store). Plea of guilty. Fine, $25. Execution of sentence suspended. (F. & D. no. 28111. I. S. no. 39671.)

This case involved compound solution of iodine that fell below the pharmacopoeial standard.

On October 31, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District of Columbia an information against Hilda Frank, trading as O'Don-

nell's Drug Store, Washington, D. C., alleging that on or about November 3, 1931, the defendant sold in the District of Columbia a quantity of compound solution of iodine which was adulterated.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein, in that the said pharmacopoeia specified that liquor iodi compositus, that is, compound solution of iodine, should contain in each 100 cubic centimeters not less than 4.8 grams of iodine and not less than 9.8 grams of potassium iodide, whereas the article contained less iodine and less potassium than so specified, namely, not more than 0.332 gram of iodine and not more than 0.85 gram of potassium iodide per each 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared upon the container thereof.

On March 26, 1935, the defendant entered a plea of guilty and the court imposed a fine of $25, but ordered that execution of sentence be suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26114. Adulteration of tincture of cinchona. U. S. v. Benjamin Bass (Corner Drug Store). Plea of guilty. Fine, $25. Execution of sentence suspended. (F. & D. no. 28112. I. S. no. 37558.)

This case involved tincture of cinchona that differed from the standard established by the United States Pharmacopoeia.

On October 31, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District of Columbia an information against Benjamin Bass trading as the Corner Drug Store, Washington, D. C., alleging that on or about November 2, 1931, the defendant had sold in the District of Columbia a quantity of tincture of cinchona that was adulterated.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein, since it yielded less than 0.8 gram of the alkaloids of cinchona per 100 cubic centimeters, namely, not more than 0.44 gram of the alkaloids of cinchona per 100 cubic centimeters, whereas the pharmacopoeia provided that tincture of cinchona should yield not less than 0.8 gram of the alkaloids of cinchona per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On November 6, 1935, the defendant entered a plea of guilty, and the court imposed a fine of $25 but ordered that execution of sentence be suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26115. Adulteration of compound solution of iodine. U. S. v. Max Kossow. Plea of guilty. Fine, $25. Execution of sentence suspended. (F. & D. no. 28113. I. S. no. 37790.)

This case involved compound solution of iodine that differed from the pharmacopoeial standard.

On October 31, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District of Columbia an information against Max Kossow, a member of a partnership trading as the District Drug Stores Co., Washington, D. C., alleging that on or about November 2, 1931, the defendant sold in the District of Columbia a quantity of compound solution of iodine which was adulterated.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein, in that the pharmacopoeia specified that liquor iodi compositus, that is, compound solution of iodine, should contain in each 100 cubic centimeters not less than 4.8 grams of iodine and not less than 9.8 grams of potassium iodide; whereas the article contained less iodine and less potassium iodide than so specified, namely, not more than 3.952 grams of iodine and not more than 7.97 grams of potassium iodide in each 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared upon the container thereof.

On February 1, 1935, the defendant entered a plea of guilty, and the court imposed a fine of $25 but ordered that execution of sentence be suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26116. Adulteration of acetanilid, caffeine alkaloid, and soda bicarbonate capsules. U. S. v. Homer A. Hall. Plea of guilty. Fine, $25. Execution of sentence suspended. (F. & D. no. 28115. I. S. no. 42648.)

This case involved drug capsules that differed from the standard of strength and purity under which they were sold.

On October 21, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District of Columbia an information against Homer A. Hall, trading as Hall's Pharmacy, Washington, D. C., alleging that on or about November 2, 1931, the defendant sold in the District of Columbia a quantity of acetanilid, caffeine alkaloid, and soda bicarbonate capsules which were adulterated.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since the article was represented to consist of 12 capsules composed in part of 6 grains of caffeine alkaloid; whereas the said capsules were composed in part of more than 6 grains of caffeine alkaloid.

On November 6, 1935, the defendant entered a plea of guilty, and the court imposed a fine of $25 but ordered that execution of sentence be suspended.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26117. Misbranding of Bartel's Canary Wash. U. S. v. The Shellgram Co. Plea of guilty. Fine, $30. (F. & D. no. 32915. Sample no. 67281–A.)

This case involved a product the labeling of which bore false and fraudulent curative and therapeutic claims.

On September 7, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shellgram Co., a corporation of Newark, N. J., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about November 14, 1933, from the State of New Jersey into the State of New York of a quantity of Bartel's Canary Wash that was misbranded.

Analysis showed that the article consisted of oxyquinoline sulphate, glycerin, water, and small amounts of pink coloring matter and perfume.

The article was alleged to be misbranded in that the following statements borne on the label regarding its curative or therapeutic effects were false and fraudulent: (Bottle) "To allay itching and pulling of feathers * * * For skin diseases on dogs * * * For cuts, scratches and old sores * * * Use this wash on birds, fowl, animals wherever the skin is sore or broken"; (carton) "This wash is to be applied wherever the skin is broken or sore as a prevention against infection. Apply it to sores liberally * * * It should be used immediately for sores of all kinds."

The information further charged that the article was misbranded in violation of the Insecticide Act of 1910, reported in notices of judgment published under that act.

On October 11, 1934, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $30 for violation of both acts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26118. Misbranding of Dia-Bet. U. S. v. Dia-Bet Laboratories Corporation, and George M. Wolpe and Samuel R. Turner. Pleas of guilty. Fine, $200 each as to the Dia-Bet Laboratories and Samuel R. Turner. Sentence deferred as to George M. Wolpe. (F. & D. no. 34037. Sample no. 19760–B.)

This case involved an interstate shipment of Dia-Bet, the package label of which and an accompanying circular bore and contained false and fraudulent statements regarding the curative or therapeutic effect of the article when used as a treatment for diabetes.

On September 21, 1935, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Dia-Bet Laboratories Corporation, and George M. Wolpe and Samuel R. Turner, Detroit, Mich., charging shipment by said defendants in violation of the Food and Drugs Act, as amended, on or about September 25, 1934, from the State of Michigan into the State of Ohio of a quantity of an article labeled "Dia-Bet", that was misbranded.

Analysis showed that the article consisted essentially of water with small amounts of sodium benzoate and plant extractives.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effect, borne on the label of the packages and contained

in a circular enclosed in the packages, falsely and fraudulently represented that the article would be effective as a treatment for diabetes, would be effective when used in the place of insulin as a treatment for diabetes, and when used in connection with the diet recommended would be effective as a treatment for diabetes.

On April 25, 1936, the defendants, the Dia-Bet Laboratories Corporation, Samuel R. Turner, and George M. Wolpe, entered pleas of guilty, and the court imposed a fine of $200 each on the Dia-Bet Laboratories Corporation and Samuel R. Turner, and deferred sentence as to George M. Wolpe.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26119. Misbranding of Eucaline (Regular), Eucaline Tonic Compound (Tasteless), and Admirine. U. S. v. 16 Dozen Bottles of Eucaline (Regular), 15¾ Dozen Bottles of Eucaline Tonic Compound (Tasteless), and 8 Dozen Bottles of Admirine. U. S. v. 430 Bottles of Admirine. Default decrees of condemnation and destruction. (F. & D. nos. 23999, 24000, 31616. I. S. nos. 015084, 015085, 015086. Sample no. 46407–A.)

These cases involved interstate shipments of articles described as Eucaline (Regular), Eucaline Tonic Compound (Tasteless), and Admirine. The article described as Eucaline Tonic Compound (Tasteless) contained acetanilid in a quantity less than that stated on the label, and the label bore a deceptive and misleading representation that the article was free from dangerous medicine. The labels and packages of all three of the articles bore and contained false and fraudulent representations regarding their curative or therapeutic effects.

The United States attorney for the Western District of Arkansas filed in the district court on September 12, 1929, a libel praying seizure and condemnation of 16 dozen bottles of an article labeled "Eucaline (Regular)", 15¾ dozen bottles of an article labeled "Eucaline Tonic Compound (Tasteless)", and 8 dozen bottles of an article labeled "Admirine" at Texarkana, Ark., and on November 5, 1933, a libel praying seizure and condemnation of 430 bottles of Admirine at Texarkana, Ark. It was alleged in the libel first referred to that the articles therein described had been shipped in interstate commerce on or about June 6 and July 31, 1929, and in the second libel, that the article therein described had been shipped in interstate commerce on or about February 16, April 3, June 27, and August 26, 1933, by the Eucaline Medicine Co., from Dallas, Tex., and that the articles were misbranded in violation of the Food and Drugs Act.

Analyses showed that the Eucaline Regular consisted essentially of quinidine and cinchonidine alkaloids (4.58 grains per fluid ounce), iron chloride, an extract of a laxative plant drug, eucalyptus oil, a small proportion of alcohol, sugars, and water; that the Eucaline Tonic Compound (Tasteless) consisted essentially of acetanilid (2.04 grains per fluid ounce), an extract of a laxative plant drug, eucalyptus and peppermint oils, and a small proportion of alcohol, sugar, and water, with quinidine and cinchonidine alkaloids (6.04 grains per fluid ounce); that one shipment of the Admirine consisted essentially of quinidine and cinchonodine alkaloids (4.17 grains per fluid ounce) an iron salt, a laxative plant drug, capsicum, eucalyptus oil, sugars, a trace of alcohol, and water; and that the remaining shipment of Admirine contained magnesium sulphate (8.4 grams per 100 milliliters), potassium, iodide (0.5 gram per 100 milliliters), small proportions of sodium, iron, chlorine, and phosphorus compounds, an extract from a plant drug, and water.

The article labeled "Eucaline Tonic Compound (Tasteless)" was alleged to be adulterated in that it was sold under the standard of strength, "Acetanilid 3 grains to each fluid ounce"; whereas its strength fell below such professed standard. Said article was alleged to be misbranded in that the statement "Acetanilid 3 grains to each fluid ounce", borne on the carton and bottle label, was false and misleading. Said article was alleged to be misbranded further in that the package failed to bear a statement on the label of the quantity or proportion of acetanilid contained therein. Said article was alleged to be misbranded further in that certain statements regarding the curative or therapeutic effects of the article, borne on the carton and bottle label and contained in an accompanying circular, falsely and fraudulently represented that the article would be effective as a remedy for malaria, chills, fever, and la grippe.

The article labeled "Eucaline (Regular)" was alleged to be misbranded further in that statements regarding the curative or therapeutic effects of the article, borne on the carton and bottle labels and contained in an accompanying circular, falsely and fraudulently represented that the article would be effective as a remedy for malaria, chills, fever, la grippe, and enlarged spleen.

The article labeled "Admirine" was alleged to be misbranded in that certain statements regarding the curative or therapeutic effects of the article, borne on the carton label, falsely and fraudulently represented that the article would be effective as a body builder, blood medicine and blood purifier, would stimulate the kidneys; and would be an effective remedy for malaria, chills and fever, tired feeling, dizziness, belching of gas, sour stomach, weakness, indigestion, foul breath, coated tongue, nervousness, sallow skin, and different forms of blood troubles caused by malaria poisoning.

On March 4 and November 18, 1935, no claimant having appeared, decrees of condemnation were entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26120. Misbranding of Hawley's Ointment, and Vagitone. U. S. v. 40 Packages of Hawley's Ointment and 8 Packages of Vagitone. Default decrees of condemnation and destruction. (F. & D. nos. 31278, 31279. Sample nos. 46402–A, 46403–A.)

This case involved interstate shipments of articles described as Hawley's Ointment and Vagitone, the labels and packages of which bore and contained false and fraudulent representations regarding their curative or therapeutic properties.

On November 1, 1933, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 packages of Hawley's Ointment and 8 packages of Vagitone at Texarkana, Ark., alleging that the articles had been shipped in interstate commerce on or about June 7 and 13, 1933, by the Vincent Laboratories, from Texarkana, Tex., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analyses showed that Hawley's Ointment consisted essentially of lanolin, camphor, and boric acid; and that the Vagitone consisted essentially of glycerin, resorcinol, and boric acid, with small amounts of zinc compounds, quinine sulphate, oxyquinoline sulphate, and thymol.

Hawley's Ointment was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the carton and bottle labels and contained in an accompanying circular, falsely and fraudulently represented that the article when applied as directed would be effective for the prevention of influenza and for the treatment of catarrh, catarrhal headache, hay fever, sore throat, croup, and all inflammatory conditions where an external application was indicated.

Vagitone was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the carton and bottle labels and contained in an accompanying circular, falsely and fraudulently represented that the article when applied as directed would be an effective remedy in the treatment of leucorrhea, vaginal catarrh, inflammatory diseases of the vaginal tract, inflammation of the genital organs, and the various diseases of the vagina and uterus.

On November 18, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26121. Misbranding of Melatol. U. S. v. Melatol Laboratories, Inc., et al. Tried to jury. Verdict of guilty. Fines, $1,200 and costs. (F. & D. no. 31359. Sample nos. 28166–A, 32110–A.)

This case involved an interstate shipment of Melatol the package of which bore and contained representations regarding its curative and therapeutic effects that were false and fraudulent.

On October 23, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Melatol Laboratories, a corporation, and Joseph W. Spiker and Frank W. Kimball, officers of said corporation, Oakland, Calif., charging shipment by said defendants in violation of the Food and Drugs Act, as amended, on or about March 6, 1933, from the State of California into the State of Colorado of a quantity of Melatol that was misbranded.

Analysis showed that the article consisted essentially of a crude oil.

The article was alleged to be misbranded in that statements regarding the curative and therapeutic effects of the article, borne on the package and contained in an accompanying circular, falsely and fraudulently represented that the article was in whole or in part composed of or contained ingredients or

medicinal agents effective as a treatment and remedy for diabetes, stomach trouble, indigestion, ulcerated stomach, acidity, intestinal trouble, Bright's disease and chronic nervousness, faulty digestion, catarrhal condition of the stomach and intestines, colitis and inflammation of the intestines, various disorders of the digestive tract (stomach and intestines) and disorders of the urinary tract; effective to regain health; effective to control diabetic conditions; effective as a corrective; effective to stop the formation of ketone acids (poisons) and to rebuild the affected organs and tissues; effective to enhance and help the value of insulin in the treatment of diabetes; effective to help to correct the cause of diabetes; effective as a positive relief for ulcerated stomach; effective as a cure of some of the worst and most hopeless cases of Bright's disease; and effective as an aid to digestion and more perfect elimination.

On October 9, 1935, upon trial of the case before a jury, a verdict of guilty was returned as to each of the three defendants and the court imposed on the defendants severally a fine of $400, amounting to $1,200 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26122. Alleged adulteration and misbranding of fluidextract of aconite root. U. S. v. Lafayette Pharmacal, Inc. Tried to the court. Judgment, not guilty. (F. & D. no. 32084. Sample no. 33747–A.)

This case involved an interstate shipment of fluidextract of aconite root that allegedly did not conform to the standard laid down for fluidextract of aconite root in the National Formulary.

On May 26, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lafayette Pharmacal, Inc., a corporation, Lafayette, Ind., alleging shipment by said corporation in violation of the Food and Drugs Act on or about June 7, 1933, from the State of Indiana into the State of Illinois of a quantity of fluidextract of aconite root that was adulterated and misbranded.

The article was alleged to be adulterated in that it was sold under and by a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in said National Formulary in that said article, when administered to guinea pigs, had a minimum lethal dose of not less than 0.00014 cubic centimeters for each gram of body weight of guinea pig; whereas the National Formulary provided that fluidextract of aconite root should have a minimum lethal dose of not more than 0.00004 cubic centimeters for each gram of body weight of guinea pig.

The article was alleged to be misbranded in that the statement "Fluid Extract Aconite Root * * * N. F.–5th", borne on the labels, was false and misleading in that it represented that the article was fluidextract of aconite root that conformed to the standard laid down in the National Formulary, fifth edition; whereas, in fact, said article was not fluidextract of aconite root that conformed to the standard laid down in the National Formulary, fifth edition. The article was alleged to be misbranded further in that statements regarding its curative and therapeutic effects, appearing on the labels, falsely and fraudulently represented that the article was effective as a treatment for rheumatism, gout, neuralgia, and catarrhal affections, effective as a powerful narcotic and antiphlogistic, and effective to increase the urinary discharges.

On April 18, 1936, upon trial to the court, the defendant was found not guilty.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26123. Misbranding of Crisp's Hot Shot and Crisp's Sta-Well. U. S. v. Benjamin S. Bonebrake and Sidney A. Crisp (S. A. Crisp Canine Co.). U. S. v. Benjamin S. Bonebrake and William T. Hollifield (S. A. Crisp Canine Co.). Pleas of nolo contendere. Fine, $20. (F. & D. nos. 32129, 32133. Sample nos. 7584–A, 14113–A, 14114–A.)

These cases involved interstate shipments of Crisp's Hot Shot and of Crisp's Sta-Well the packages of which bore and contained false and fraudulent representations as to the curative or therapeutic effects of the articles.

On September 12, 1934, the United States attorney for the Western District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the district court an information against Benjamin S. Bonebrake and Sidney A Crisp, trading as S. A. Crisp Canine Co., Blacksburg, S. C., and an information against Benjamin S. Bonebrake and William T. Hollifield, trading as S. A. Crisp Canine Co., Blacksburg, S. C., the information first mentioned

charging shipment by the defendants named therein in violation of the Food and Drugs Act as amended, on or about January 14, 1932, from the State of South Carolina into the State of Georgia, of a quantity of Crisp's Hot Shot that was misbranded, and the second information charging shipment by the defendants named therein, in violation of the Food and Drugs Act as amended, on or about May 30, 1933, of a quantity each of Crisp's Hot Shot and Crisp's Sta-Well that were misbranded.

Analyses showed that Crisp's Hot Shot consisted essentially of turpentine oil, tar oil, mineral oil, magnesium hydroxide (1.5 grams per 100 cc) and small proportions of phenols, fatty acids, gums and rosin; and that Crisp's Sta-Well consisted essentially of powdered iron, arsenic compound, and material derived from plant drugs, including nox vomica and licorice.

Crisp's Hot Shot was alleged in each of the two libels to be misbranded in that statements regarding its curative or therapeutic effects, appearing upon the bottle and carton labels and in an accompanying circular, falsely and fraudulently represented that the article was effective as a nerve sedative and effective to keep dogs well.

Crisp's Sta-Well was alleged in the second libel to be misbranded in that statements regarding its curative or therapeutic effects, appearing upon the label of the packages, falsely and fraudulently represented that the article was effective as a general conditioner; effective as a remedy for dog ailments; effective to tone up the system, to restore the appetite, and to put new life in dogs; and effective to protect the life of dogs and to keep dogs well.

On December 11, 1935, the defendants in the two informations entered pleas of nolo contendere, and the court imposed fines amounting to $20.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26124. Adulteration and misbranding of Dabon Brushless Modern Shaving Cream. Adulteration and misbranding of Dr. Browns Baby Oil. Misbranding of Dr. Browns Food Lax. U. S. v. Nostane Products Corporation. Plea of guilty in part; verdict of guilty in part. Fine, $450. (F. & D. no. 33826. Sample nos. 6502-B, 67597-A, 67598-A.)

This case involved interstate shipments of Dabon Brushless Shaving Cream, Dr. Browns Baby Oil, and Dr. Browns Food Lax. The Dabon Brushless Shaving Cream was misrepresented on the label as being antiseptic, and the label bore a false and fraudulent representation regarding its curative or therapeutic effect as a healing agent. Dr. Browns Baby Oil was misrepresented on the label as having antiseptic and germicidal properties, and the label bore a false and fraudulent representation regarding its curative or therapeutic effect in the treatment of skin irritations of babies. Dr. Browns Food Lax was misrepresented on the label and in an accompanying circular as being a food instead of a medicine, and the label and circular bore and contained false and fraudulent representations regarding its curative or therapeutic effect with respect to various diseases and ailments.

On June 21, 1935, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Nostane Products Corporation, Brooklyn, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, as amended, from the State of New York into the State of New Jersey on or about March 10, 1934, of a quantity of Dabon Brushless Modern Shaving Cream which was adulterated and misbranded on or about March 15, 1934, of a quantity of Dr. Browns Baby Oil which was adulterated and misbranded; and on or about January 30 and May 25, 1934, of quantities of Dr. Browns Food Lax which was misbranded.

Analyses showed that the Dabon Brushless Modern Shaving Cream consisted essentially of stearic acid, some potassium stearate, and unsaponifiable matter, emulsified with a large proportion of water; that Dr. Brown's Baby Oil consisted of a neutral mixture of mineral and fatty oils with a small amount of thymol; and that Dr. Browns Food Lax consisted essentially of agar-agar and various species of *Plantago.*

The Dabon Brushless Modern Shaving Cream was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since the article was represented on the label to be antiseptic when used as directed; whereas in fact the article was not antiseptic when so used. Said article was alleged to be misbranded in that the statement "Antiseptic", borne on the labels of the jars containing the article, was false and misleading in that it represented that the article was antiseptic when

used as directed; whereas in fact the article was not antiseptic when so used. Said article was alleged to be misbranded further in that statements regarding the curative and therapeutic effect of the article, appearing on the labels of the jars, falsely and fraudulenty represented that the article was effective as a healing agent.

Dr. Browns Baby Oil was alleged to adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since the article was represented on the label to be antiseptic and germicidal when used as directed; whereas in fact the article was not antiseptic or germicidal when so used. Said article was alleged to be misbranded in that the statements, "An Antiseptic", "Its germicidal and antiseptic properties give it the power to kill and prevent the growth of germs", "Directions Rub Dr. Browns Baby Oil over the baby's entire body as often as necessary", and "The antiseptic action * * *", borne on the labels of the bottles containing the article, were false and misleading in that they represented that the article was antiseptic and germicidal when used as directed, and that the article was antiseptic to kill and prevent the growth of germs; whereas in fact the article was not antiseptic or germicidal when so used, and the article did not have the power to kill or to prevent the growth of germs. Said article was alleged to be misbranded further in that statements regarding the curative and therapeutic effect of the article, appearing on the labels of the bottles, falsely and fraudulently represented that the article was effective to afford adequate protection against rash and skin irritations in the skin folds of babies.

Dr. Browns Food Lax was alleged to be misbranded in that the statements, "Food Lax", "Laxative Accessory Food", "food laxative", and "Food Lax is an accessory food, not a medicine", borne on the package containing the article and contained in an accompanying circular, were false and misleading in that they represented that the article was a food product, and that it was a laxative accessory food and not a medicine; whereas, in fact, the article was not a food product, and was not a laxative accessory food. Said article was alleged to be misbranded further in that statements regarding the curative and therapeutic effect of the article, appearing on the labels of the packages and contained in an accompanying circular, falsely and fraudulently represented that the article was effective to regulate the bowels, to give new energy, health and pep, to increase vitality, to supply favorable media for the return of essential germ life in the intestines, to tone up and purify the whole intestinal tract, to remove poison-forming matter, and to improve digestion; effective as a treatment, remedy, and cure for loss of appetite, dull headaches, habitual constipation, and the many other ailments resulting therefrom; and effective as a treatment, remedy, and cure for auto-intoxication and ailments due to auto-intoxication or allied with constipation, such as indigestion, inactive liver, gas in bowels or stomach, pains after eating, backaches, rheumatism, catarrh, headaches, dropsy, heartburn, heart palpitation, confusion or dullness of mind, sexual weakness, fistula, hemorrhoids, feverish sensations, weak joints, obesity, thinness, deafness due to catarrh, gallstones, colitis, boils, pimples and other skin disorders, eyestrain, irritability, neuralgia, nervousness, neurasthenia, insomnia, prostatitis, pruritis, general debility, and sluggish bowels.

On February 5, 1936, a plea of guilty was entered on behalf of the defendant corporation as to the counts of the information that related to Dabon Brushless Modern Shaving Cream and Dr. Browns Baby Oil, a verdict of guilty was returned after trial of the counts of the information relating to Dr. Browns Food Lax, and the court imposed a fine of $450.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26125. Misbranding of Ten-In-One. U. S. v. Glen France (France Drug Co.). Tried to the court. Judgment of guilty. Fine, $220. (F. & D. no. 33953. Sample nos. 72513-A, 72514-A.)

This case involved interstate shipments of Ten-In-One the bottle labels of which and an accompanying circular and leaflet, bore and contained false and fraudulent statements regarding the curative or therapeutic effects of the article with respect to diseases of poultry.

On June 28, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Glen France trading as France Drug Co., Forest City, Mo., charging shipment by said defendant in violation of the Food and Drugs Act as amended on or about February 24 and March 15, 1934, from

the State of Missouri into the State of Nebraska of quantities of Ten-In-One that was misbranded.

Analyses of a sample from each of the shipments showed the article to be a hydroalcoholic solution of phenol and potassium chlorate; one sample also contained undissolved potassium chlorate.

The article in the shipment of February 24, 1934, was alleged to be misbranded in that statements regarding its curative and therapeutic effects, borne on the bottle labels and contained in an accompanying circular, falsely and fraudulently represented that the article was effective as a treatment, preventive, remedy, and cure for gapes, colds, croup, and other bronchial diseases of poultry; effective as a preventive for bronchial pneumonia; and effective to clear up the throat and lungs, reduce the fever, and improve the appetite. The article in the shipment of March 15, 1934, was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the bottle labels and contained in an accompanying leaflet, falsely and fraudulently represented that the article was effective as a treatment and preventive for roup, gapes, colds, flu, fever, discharge from nostrils, watery eyes, and bowel infection in poultry, and effective to keep poultry healthy. The article in both shipments was alleged to be misbranded in that it contained alcohol, and the label on the package failed to bear a statement of the quantity or proportion of alcohol contained therein.

On September 20, 1935, upon trial to the court, the defendant was found guilty and a fine of $220 was imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26126. Misbranding of Poultry Pox Remedy and Zinks White Diarrhoea Tablets. U. S. v. David E. Davis (Chicken Pharmacy). Plea of guilty. Fine, $10. (F. & D. no. 33959. Sample nos. 72276–A, 73610–A.)

This case involved interstate shipments of Poultry Pox Remedy and Zink's White Diarrhoea Tablets the labels of which bore false and fraudulent representations regarding their curative or therapeutic effects.

On May 20, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against David E. Davis trading as Chicken Pharmacy, Petaluma, Calif., charging shipment by said defendant in violation of the Food and Drugs Act as amended on or about March 26, 1934, from the State of California into the State of Utah of a quantity of Poultry Pox Remedy, and on or about May 12, 1934, from the State of California into the State of Washington of a quantity of Zink's White Diarrhoea Tablets that were misbranded.

Analyses showed that the C. P. Poultry Pox Remedy consisted essentially of iron oxide, calcium sulphide and sulphur; and that Zink's White Diarrhoea Tablets consisted essentially of sodium sulphocarbolate, zinc sulphocarbolate, a small proportion of bismuth subsalicylate, talc, and water.

The Poultry Pox Remedy, contained in cans, was alleged to be misbranded in that statements regarding its curative and therapeutic effects, appearing on the label, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for poultry pox, chicken pox, and sore-head; effective to eliminate worms and lice, effective to prevent decreased egg production. Zink's White Diarrhoea Tablets were alleged to be misbranded in that they were falsely and fraudulently represented to be effective as a treatment, remedy, and cure for white diarrhoea and all bowel troubles in little chicks.

On September 10, 1935, the defendant entered a plea of guilty and the court imposed a fine of $10.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26127. Adulteration and misbranding of syrup of five bromides and elixir of iron, quinine, and strychnine; misbranding of elixir of pepsin and rennin compound. U. S. v. Standard Pharmacal Co. Plea of guilty. Fine, $25 and costs. (F. & D. no. 34029. Sample nos. 56552–A, 56555–A, 56556–A.)

This case involved the following drugs: Syrup of five bromides that contained a smaller amount of combined bromides than declared; elixir of iron, quinine, and strychnine that was sold under a name recognized in the National Formulary but which differed from the formulary standard in that it contained iron and ammonium citrate in excess of the amount declared and quinine sulphate

in an amount less than declared; and elixir of pepsin and rennin compound that contained less alcohol than declared.

On September 18, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Standard Pharmacal Co., a corporation, Chicago, Ill., alleging shipment by it in violation of the Food and Drugs Act, as amended, on or about May 9, 1934, from the State of Illinois into the State of Minnesota of quantities of drugs that were adulterated and/or misbranded. The articles were labeled in part: (Bottle) "Syrup No. 4562 Five Bromides * * * represents Combined Bromides of Potassium, Sodium, Ammonium, Calcium and Lithium 120 grains with Syrup and Aromatics. * * * Standard Pharmacal Co. Chicago"; (bottle) "Elixir Iron, Quinine & Strychnine * * * Each Fluidounce represents Iron and Ammonium Citrate 10 grs. Quinine Sulphate 4 grs."; (bottle) "Elixir Pepsin and Rennin Compound (Essence of Pepsin) N. F. Alcohol 19 Per cent."

Adulteration of the syrup of five bromides was charged under the allegations that each fluid ounce thereof was represented to contain 120 grains of combined bromides of potassium, sodium, ammonium, calcium, and lithium; that each fluid ounce of the article contained not more than 90.86 grains of such combined bromides; and that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Adulteration of the iron, quinine, and strychnine was charged (a) under the allegations that the article was sold under a name recognized in the National Formulary; that the said formulary prescribed that elixir of iron, quinine, and strychnine should contain tincture of ferric citrochloride and quinine hydrochloride; that the said article contained iron and ammonium citrate and quinine sulphate; that the said article differed from the standard of strength, quality, and purity as determined by the test laid down in the said formulary and that its own standard of strength, quality, and purity was not declared on its container; (b) under the allegations that each fluid ounce of the article was represented to contain 10 grains of iron and ammonium citrate and 4 grains of quinine sulphate; that each fluid ounce thereof contained not less than 11.68 grains of ammonium citrate and not more than 3.6 grains of quinine sulphate; and that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Misbranding of the five bromides was charged under the allegations that the label attached to the bottle bore the statement, to wit, "Each fluidounce represents Combined Bromides of Potassium, Sodium, Ammonium, Calcium and Lithium 120 grains"; that the article contained less than 120 grains of the combined bromides aforesaid; and that the aforesaid statement was false and misleading.

Misbranding of the iron, quinine, and strychnine was charged under the allegations that the label attached to the bottle bore the statement, to wit, "Each Fluidounce represents Iron and Ammonium Citrate 10 grs. Quinine Sulphate 4 grs"; that each fluid ounce of the article contained more than 10 grains of iron and ammonium citrate and less than 4 grains of quinine sulphate; and that the aforesaid statement was false and misleading.

Misbranding of the elixir of pepsin and rennin compound was charged (a) under the allegations that the label attached to the bottle bore the statement, to wit, "Alcohol 19 Per Cent"; that the article contained not more than 13.7 percent of alcohol; that the aforesaid statement was false and misleading; (b) under the allegation that the article contained alcohol and that the label on the package failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On May 19, 1936, a plea of guilty having been entered, a fine of $25 and costs was imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26128. Misbranding of Zann-Ite. U. S. v. Richard I. Morgan. Plea of guilty. Fine, $25. (F. & D. no. 34035. Sample no. 459–B.)

This case involved an interstate shipment of Zann-Ite the packages of which bore false and fraudulent statements regarding its curative or therapeutic effects.

On October 7, 1935, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Richard I. Morgan, Toppenish, Wash., charging shipment by said defendant in violation of the Food and Drugs Act,

as amended, on or about July 8, 1934, from the State of Washington into the State of California of a quantity of Zann-Ite which was misbranded.

Analysis showed the product to be a light brown clay carrying 13.5 percent water, 51 percent silica, and 20 percent aluminum and iron oxides, and traces of calcium, magnesium, and carbonates.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, appearing on the labels of the packages, falsely and fraudulently represented that the article was effective to insure health and to remove inflammation and impurities from the blood, lungs, skin, mucous membrane, and prostate glands; effective as a remedy and cure for diabetes, goiter, hardening of the arteries, diseases of the heart, rheumatism in various forms, kidney affections, stomach ulcers, bloating, worms, and children's diseases; effective as a treatment, remedy, and cure for so-called incurable chronic cases of long standing; effective as a nourisher and purifier of the blood and as a treatment for troubles arising from the derangement of the circulatory, glandular, and nervous systems; effective to promote the secretion of urine and to increase the elimination of uric acid; effective to stimulate the liver and cause increased activity of all organs of elimination; and effective to increase rapidly the number of red corpuscles in the blood, to cause increase in the growth and number of health cells, to vitalize the body tissues, to break down and eliminate unhealthy or morbid cells, to act directly on the blood as an oxidizing agent, and to stimulate the elimination of toxins or poisons.

On May 7, 1936, the defendant entered a plea of guilty and the court imposed a fine of $25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26129. Adulteration and misbranding of ether. U. S. v. 84 Cans of Ether. Consent decree of condemnation and destruction of ether. (F. & D. no. 35240. Sample no. 29434–B.)

This case involved an interstate shipment of ether that differed from the standard of strength, quality, and purity as determined by the test laid down in the United States Pharmacopoeia.

On March 12, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 84 cans of ether at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 31, 1933, by Merck & Co., Inc., from St. Louis, Mo., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under the name "Ether for Anesthesia", a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopoeia, and its own standard was not stated on the label.

The article was alleged to be misbranded in that the statement appearing on the label, "Ether * * * U. S. P. X", was false and misleading.

On April 21, 1936, Merck & Co., Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26130. Misbranding of Wa-Hoo Bitters. U. S. v. 645 Bottles of Wa-Hoo Bitters. Default decree of condemnation and destruction. (F. & D. no. 35686. Sample no. 31928–B.)

This case involved an interstate shipment of Wa-Hoo Bitters the label of which bore false and fraudulent statements regarding their curative or therapeutic properties.

On June 27, 1935, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 645 bottles of Wa-Hoo Bitters at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about May 4, 1935, by the Old Indian Medicine Co., from Toledo, Ohio, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of extracts of plant drugs including gentian, magnesium sulphate (not more than 4 grams per 100 milliliters), salicylic acid (0.2 gram per 100 milliliters), and water.

The article was alleged to be misbranded in that the statements regarding its curative or therapeutic effect, namely, "The Great Alterative System Tonic", borne on the shipping case and the bottle label, and the statement, "Users of this Tonic should receive marked benefit because the natural cleansing channels should be stimulated and made active, and the bowels, kidneys and liver assisted to do their normal functions, for these organs are the sewers of the body by which effete, useless and harmful materials are removed from the body", borne on the bottle label, were false and fraudulent.

On August 8, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26131. Adulteration and misbranding of tincture of aconite. U. S. v. 10 Bottles of Tincture of Aconite. Default decree of condemnation and destruction. (F. & D. no. 35726. Sample nos. 30138–B, 30139–B.)

This case involved interstate shipments of tincture of aconite which had a potency of about one-half of the minimum potency required for tincture of aconite by the United States Pharmacopoeia.

On July 5, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bottles of an article described as tincture of aconite at Saratoga Springs, N. Y., alleging that the article had been shipped in interstate commerce on or about December 13, 1934, and February 11 and March 15, 1935, by William S. Merrell Co., from Cincinnati, Ohio, and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength as determined by the test laid down in said pharmacopoeia, and its own standard was not stated on the bottles, since the bottles were labeled "Tincture Aconite * * * U. S. P.", and the article had a potency of approximately one-half of the minimum potency required by the United States Pharmacopoeia for tincture of aconite.

The article was alleged to be misbranded in that the statement on the label, "Tincture Aconite * * * U. S. P.", was false and misleading.

On October 16, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26132. Misbranding of J. H. Mims' Iron Tonic. U. S. v. John H. Mims and Lucius Knabb (J. H. Mims Medicine Co.). Pleas of guilty. Fine, $200. (F. & D. no. 35978. Sample no. 6024–B.)

This case involved an interstate shipment of J. H. Mim's Iron Tonic, the label of which bore false and fraudulent statements regarding its curative or therapeutic effects.

On October 28, 1935, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John H. Mims and Lucius Knabb, trading as J. H. Mims Medicine Co., Jacksonville, Fla., charging shipment by said defendants in violation of the Food and Drugs Act, as amended on or about April 12, 1935, from the State of Florida into the State of Georgia of a quantity of J. H. Mims' Iron Tonic which was misbranded.

Analysis showed the product to be an aqueous solution colored with a red dye, consisting of iron, with sulphuric, hydrochloric, and tartaric acids.

The article was alleged to be misbranded in that the statements regarding its curative or therapeutic effects, appearing on the label of the bottles containing the article, falsely and fraudulently represented that the article was effective as a treatment and remedy for indigestion, pellagra, dropsy, eczema and rheumatism; and effective to purify the blood, to give good rest at night, and to quiet the nerves.

On March 16, 1936, the defendants entered pleas of guilty and the court imposed a fine of $100 on each, amounting to $200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26133. Misbranding of Stoligal. U. S. v. Harry Sansby (The Sto-Li-Gal Co.). Plea of guilty. Fine, $25. (F. & D. no. 36077. Sample no. 41529–B.)

This case involved an interstate shipment of Stoligal the packages of which, and an accompanying pamphlet and blooklet, bore and contained false and

fraudulent representations as to its curative or therapeutic effect in the treatment of various ailments and disorders, and conditions arising therefrom.

On April 7, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry Sansby, trading as the Sto-Li-Gal Co., St. Paul, Minn., charging shipment by said defendant on or about March 27, 1935, from the State of Minnesota into the State of Wisconsin of a quantity of Sto-Li-Gal, which was misbranded in violation of the Food and Drugs Act as amended.

The product consisted of two kinds of tablets; one, white, containing chiefly sodium bicarbonate, bismuth subnitrate, calcium carbonate (calcium phosphate, magnesium oxide, and small amounts of menthol and starch; and the other, red-sugar- and lime-carbonate-coated, containing chiefly phenolphathalein, magnesium salts, and unidentified plant material.

The article, enclosed in cartons, was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the carton and contained in an accompanying pamphlet and booklet, falsely and fraudulently represented that the article was effective as an immediate relief and remedy for such ailments as painful stomach, biliousness, and nausea; and effective to promote health; effective as a treatment for unhealthy conditions of the intestinal tract and the digestive system arising from overeating and improper food; effective as a treatment for innumerable diseases, prominent among which were conditions arising from the stomach, liver, and gall-bladder; effective as a relief for bad breath, acid stomach, dizziness, and stomach pains; and effective as a dependable remedy for conditions arising from derangements of the stomach, liver, and gall-bladder, such as ulcerated condition of the stomach, stomach pains before and after meals, halitosis (bad breath), gas pains, nervousness and high blood pressure; effective as a relief in conditions associated with excruciating pain and discomfort in the stomach region which occur an hour or two after eating; effective as a treatment for depression, nervousness, irritability, bad mouth odor, lack of ambition; stomach pains, gas, acid, bloated stomach, heartburn, acidosis, constipation, and bad breath; effective to go direct to the cause of the trouble, and to aid digestion, to relieve stomach pains, and to prevent food from souring; effective to restore health and happiness; effective, when used as directed, as a treatment, remedy and care for aggravated cases of stomach disorder; effective to assist in reducing high blood pressure; effective to eliminate all infection; effective for disorders of long duration; and effective as a bowel correction, to remove stomach and intestinal waste, and to regulate the bowels.

On April 8, 1936, the defendant entered a plea of guilty, and the court imposed a fine of $25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26134. Adulteration of Chaplin's Procaine Hydrochloride. U. S. v. Chaplin Biological Laboratories, Inc. Plea of guilty. Fine, $50. (F. & D. no. 36082. Sample nos. 21914–B, 42456–B.)

This case involved an interstate shipment of Chaplin's Procaine Hydrochloride which contained procaine hydrochloride in a proportion less than that represented on the label.

On April 7, 1936, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Chaplin Biological Laboratories, Inc., Syracuse, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act on or about February 9, 1935, from the State of New York into the State of New Jersey, of a quantity of Chaplin's Procaine Hydrochloride which was adulterated. The article, contained in boxes (each containing 12 ampoules, and each ampoule inclosed in a carton), was labeled in part: (Boxes) "One Doz. 1322 No. 104 1 cc. Size Ampules Chaplin's Procaine Hydrochloride 1 Per Cent 1/6 Grain (0.01 Gm.) in each CC. Poison! Each ampule contains a sufficient amount to permit withdrawal and administration of 1 cc Sterile Solution for Hypodermic Use. Chaplin Biological Laboratories, Inc., Syracuse, N. Y."; (cartons) "1 cc Size Ampule No. 104 Procaine Hydrochloride 1% Solution Each ampule contains a sufficient amount to permit withdrawal and administration of 1 cc. Sterile Solution (For Subcutaneous or Intramuscular Use)"; (ampoules) "1 cc Size Ampule No. 104 Procaine Hydrochloride 1% (0.01 Gm.) in each cc. Poison!"

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since 1 cubic

centimeter of the article was represented to contain 1 percent, equivalent to 1/6 grain (0.01 gram) of procaine hydrochloride; whereas in fact 1 cubic centimeter of said article contained less than 1/6 grain of procaine hydrochloride.

On April 20, 1936, a plea of guilty was entered on behalf of defendant corporation, and the court imposed a fine of $50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26135. Adulteration and misbranding of "Syrup Hypophosphites Co.", elixir of gentian and chloride of iron, and tonga and salicylates; misbranding of Elixir Pheno-Barb. U. S. v. Westfield Pharmacal Co., Inc. Plea of guilty. Fine, $70. (F. & D. no. 36092. Sample nos. 35162-B, 35164-B, 35165-B, 35166-B.

This case involved an interstate shipment of articles described, respectively, as "Syrup Hypophosphites Co.", "Elixir Gentian and Chloride of Iron", "Tonga and Salicylates", and "Elixir Pheno-Barb." The article described as "Syrup Hypophosphites Co." contained calcium hypophosphite, potassium hypophosphite, and manganese hypophosphite in quantities less than represented on the label. The elixir gentian and chloride of iron contained tincture of chloride of iron in a quantity, and contained alcohol in a proportion, less than the quantity and the proportion of said substances, respectively, represented on the label. The tonga and salicylates contained sodium salicylate in a quantity less than that represented on the label; and the article, guaranteed on the label to conform to the provisions of the Food and Drugs Act, did not conform thereto. The Elixir Pheno-Barb contained alcohol in a proportion less than that represented on the label.

On February 20, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Westerfield Pharmacal Co., Inc., Dayton, Ohio, charging shipment by said corporation in violation of the Food and Drugs Act, on or about May 4, 1935, from the State of Ohio into the State of Indiana, of a quantity of each of the articles labeled, respectively, "Syrup Hypophosphites Co.", "Elixir Gentian and Chloride of Iron", "Tonga and Salicylates", and "Elixir Pheno-Barb"; adulteration and misbranding of the three articles first mentioned; and misbranding of the article last mentioned.

The article labeled "Syrup Hypophosphites Co." was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented on the label that each fluid dram of said article contained 2 grains of calcium hypophosphite, 1 grain of potassium hypophosphite, and 1/8 grain of manganese hypophosphite; whereas in fact each fluid dram of said article contained less than said quantities, respectively, of calcium hypophosphite, potassium hypophosphite, and manganese hypophosphite. Said article was alleged to be misbranded in that the statement, "Each fluid dram contains: Calcium Hypophosphite 2 gr. Potassium Hypophosphite 1 gr. * * * Manganese Hypophosphite 1/8 gr.", borne on the label, was false and misleading, since each fluid dram of said article contained less than 2 grains of calcium hypophosphite, less than 1 grain of potassium hypophosphite, and less than 1/8 grain of manganese hypophosphite.

The elixir gentian and chloride of iron was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented on the label that each fluid dram of said article contained 4 minims of tincture of chloride of iron U. S. P., and that said article contained 15 percent of alcohol; whereas in fact each fluid dram of said article contained less than said quantity of tincture of chloride of iron, and said article contained less than said proportion of alcohol. Said article was alleged to be misbranded in that the statements, "Each fluid dram contains * * * Tr. Chloride Iron, U. S. P. 4 min." and "Alcohol 15 Per Cent", borne on the label, were false and misleading, since each fluid dram of said article contained less than 4 minims of tincture of chloride of iron U. S. P., and said article contained less than 15 percent of alcohol.

The tonga and salicylates was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented on the label that each fluid dram of said article contained 5 grains of sodium salicylate; whereas in fact each fluid dram of said article contained less than said quantity of sodium salicylate. Said article was alleged to be misbranded in that the statements, "Each fluid dram represents * * * Sodium Salicylate 5 gr.", and "Guaranteed under the Pure Food and Drugs Act of June 30, 1906. Serial Number 10868", borne on

the label, were false and misleading, since each fluid dram of the article contained less than 5 grains of the article, and said article did not conform to the provisions of the Food and Drugs Act of June 30, 1906.

The Elixir Pheno-Barb was alleged to be misbranded in that the statement "Alcohol 25%", borne on the label, was false and misleading, since said article contained less than 25 percent of alcohol.

On April 10, 1936, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of $70.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26136. Misbranding of Gombault's Caustic Balsam. U. S. v. 11½ Dozen Packages of Gombault's Caustic Balsam. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 36105. Sample no. 27436–B.)

The labeling of this product contained false and fraudulent curative and therapeutic claims.

On August 10, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11½ dozen packages of Gombault's Caustic Balsam at Atchison, Kans., alleging that the article had been shipped in interstate commerce on or about July 6, 1935, by the Schnabel Medicine Corporation, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of 23 percent of volatile oils, including turpentine oil and camphor, incorporated in a fatty oil such as colza oil.

The article was alleged to be misbranded in that the following statements contained in a leaflet shipped with the article, regarding its curative and therapeutic effects, were false and fraudulent: "Its stimulating effects are wonderful. The blood vessels in the skin become widely dilated bringing a rich supply of blood to repair the * * * diseased tissues when such is possible. * * * Splints—A bony growth on the cannon bones of young horses, usually on the inner side of front legs and less frequently on hind leg at the outer side. Lameness is more or less permanent, but recoveries are frequent. The swelling usually stays. With new lameness rub Gombault's Caustic Balsam on the swelling daily * * *. For older cases apply a blister with Gombault's Caustic Balsam. * * * Stifle Lameness—May result from a strain or bruise by a kick at the stifle joint, or the knee-cap bone of the joint may be dislocated. The joint is held stiffly and the hip over it droops. * * * General treatment is to keep horse standing in a narrow stall and apply one or more blisters with Gombault's Caustic Balsam. Tendon Inflammation—Most important when affecting tendons from knee or hock down to hoofs. Caused by hard riding, fast road work, or slips. Tendons are hot and swollen and lameness often very severe. * * * If lame after a few days use Gombault's Caustic Balsam until it just begins to blister. After two weeks, if needed, use the Balsam again to make a good blister. * * * Abscess—A painful swelling in which pus is formed. Caused by bruises, infected wounds, and pus germs in the blood. Some are close beneath the skin and others are deep seated. If Gombault's Caustic Balsam is applied gently twice daily when an abscess near the surface is first suspected, the forming is sometimes stopped. * * * Bone Spavin —A bony growth on the small bones of the hock joint due to inflammation from hard pulling, overloading or jumping. Horse is very lame backing out of stall. Starts trotting with toe touching ground and may warm out of lameness. Old cases may have permanent lameness and the hard swelling stays. It is important to begin treatment at the first signs of spavin lameness. * * * apply one or more blisters with Gombault's Caustic Balsam. Then start with easy work at a walk. * * * Fistula of the Withers—A frequent and often serious condition due to bruises, bad fitting collars, rolling on a stone etc. If treatment is started on the first day use cold water packs on the swelling and three times daily rub gently with Gombault's Caustic Balsam. If pus forms, * * * as the wound is healing an occasional injection of a small amount of Gombault's Caustic Balsam will act as a stimulant to bring an extra supply of nourishing blood. Founder—Laminitis—An inflammation of the sensitive, fleshy covering of the coffin bone of the foot to which the horny hoof is fastened. Caused by overheating and chilling in draught or drinking cold water, hard driving and feeding while horse is hot. Founder generally appears suddenly in both front feet and stepping is so painful that horse seems rooted

to the ground. Early treatment may bring recovery in a few days. * * * After recovery has started and in chronic cases apply one or more blisters with Gombault's Caustic Balsam to the skin around top of the horn to stimulate a strong hoof growth. * * * Poll Evil—Treat same as for Fistulous Withers. Quarter and Toe Cracks—Cracked Hoofs— * * * Apply blisters to the skin above the crack to favor growth of tough, elastic horn."

On September 12, 1936, the Schnabel Medicine Corporation having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26137. Misbranding of Pneumoseptin. U. S. v. 51 Packages of Pneumoseptin. Default decree of condemnation and destruction. (F. & D. no. 36242. Sample no. 19400–B.)

This case involved an interstate shipment of Pneumoseptin the labels of which bore false and fraudulent representations regarding its curative or therapeutic effect.

On August 26, 1935, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 packages of Pneumoseptin at Knoxville, Tenn., alleging that the article had been shipped in interstate commerce on or about February 26, 1935, by the Gowan Chemical Co., from Baltimore, Md., and that it was misbranded in violation of the Food and Drugs Act as amended. The article, contained in bottles enclosed in cartons, was labeled in part: (Carton) "Pneumoseptin Successfully Used to Break Congestion and Reduce Inflammation"; (bottle label) "Pneumoseptin For Inflammation or Congestion."

Analysis showed that the article was an ointment consisting of volatile oils such as camphor, eucalyptol, and methyl salicylate, incorporated in lard.

The article was alleged to be misbranded in that the said statements regarding the curative or therapeutic effect of the article, borne on the cartons and bottles, falsely and fraudulently represented that the article would be effective in producing the effects claimed.

On December 3, 1935, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26138. Misbranding of Breeden's Rheumatic Cure, Sys-Tone, Dr. Thacher's Liver and Blood Syrup, Chamberlain's Cough Remedy, Stock's Nu-Tone Tonic, DeWitt's Vaporizing Balm, DeWitt's Cough Syrup, Dr. Hess Hog Special, Red Cross Headache and Neuralgia Remedy, Bees Laxative Cough Syrup. U. S. v. 6 Bottles of Breeden's Rheumatic Cure, and other libel proceedings against the above-named products. Default decrees of condemnation and destruction. (F. & D. nos. 36320 to 36328, incl. Sample no. 33553–B.)

These cases involved drugs the labels and packages of which bore and contained false and fraudulent representations regarding their curative or therapeutic properties, and the label of Breeden's Rheumatic Cure also bore a misleading representation to the effect that the article had been examined and approved and was guaranteed by the United States Government.

On September 23, 1935, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court four libels praying seizure and condemnation of 6 bottles of Breeden's Rheumatic Cure, 77 bottles of Sys-tone, 8 bottles of Dr. Thacher's Liver and Blood Syrup, 6 bottles of Chamberlain's Cough Remedy, 2 bottles of Stock's Nu-Tone Tonic, 123 jars of DeWitt's Vaporizing Balm, 18 bottles of DeWitt's Cough Syrup, 6 packages of Dr. Hess Hog Special, 10 bottles of Red Cross Headache and Neuralgia Remedy, and 11 bottles of Bees Laxative Cough Syrup at Chicago, Ill. It was alleged in the libels that the articles had been shipped in interstate commerce on or about June 6, 1935, by the Kiefer-Stewart Co., from Indianapolis, Ind., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analyses showed that Breeden's Rheumatic Cure consisted essentially of potassium iodide (1.5 grams per 100 milliliters), extracts of plant drugs including colchicum, alcohol, and water; that the Sys-Tone consisted essentially of phosphorus compounds and calcium salts, strychnine, benzoic acid, alcohol, sugar, and water; that the Red Cross Headache and Neuralgia Remedy consisted

essentially of salicylic acid (6 grams per 100 milliliters), acetates, sodium chloride, and water; that Dr. Thacher's Liver and Blood Syrup consisted essentially of extracts of plant drugs including a laxative drug, glycerin, alcohol, sugar, and water; that Chamberlain's Cough Remedy consisted essentially of ammonium chloride, extracts of plant drugs, sodium benzoate, sugar, and water; that Stock's Nu-tone Tonic consisted essentially of extracts of plant drugs including a laxative drug, salicylic acid, small proportions of sodium and calcium carbonates, alcohol, and water; that Bees Laxative Cough Syrup consisted essentially of ammonium chloride, sugar, and water; that DeWitt's Vaporizing Balm consisted essentially of volatile oils including menthol, eucalyptol, and camphor incorporated in petrolatum; that DeWitts' Cough Syrup consisted essentially of ammonium chloride, chloroform, alcohol, sugar, and water; that the Dr. Hess Hog Special consisted essentially of sodium chloride, iron sulphate, charcoal, copper sulphate, sodium nitrate, nux vomica, quassia, calcium carbonate, magnesium carbonate, and a phosphate.

Breeden's Rheumatic Cure was alleged to be misbranded in that the statement appearing on the label, "Guaranteed under the Food and Drugs Act, June 30th, 1906", was misleading in that it falsely represented that the article had been examined and approved by the Government, and that the Government guaranteed that the article complied with the law. The article was alleged to be misbranded further in that certain statements regarding the curative or therapeutic effects of the article, appearing on the bottle labels, on the enclosing cartons, and in an accompanying circular, falsely and fraudulently represented that the article would cure rheumatism, both inflammatory and chronic, all diseases of the blood, liver, and stomach, and would "purify the blood, liver and stomach."

Sys-Tone was alleged to be misbranded in that statements regarding the curative or therapeutic effects of the article, appearing on the bottle labels, on the enclosing cartons, and in an accompanying circular, falsely and fraudulently represented that the article would be effective as a tonic in the treatment of consumption, influenza, bronchitis, hoarseness, asthma, sleeplessness, nervousness, nervous debility, loss of appetite, anemia, indigestion, and all wasting or debilitating diseases, in building up the system, giving strength, renewing energy, and restoring health, and in the treatment of blood trouble, gland and tissue troubles; general debility, acidosis, and many more serious diseases.

Dr. Thacher's Liver and Blood Syrup was alleged to be misbranded in that statements regarding the curative or therapeutic effects of the article, appearing on the bottle label, on the enclosing cartons, and in an accompanying circular, falsely and fraudulently represented that the article would be effective in the treatment of torpid liver, biliousness, constipation, sick headache, dyspepsia, indigestion, loss of appetite, and skin eruptions.

Chamberlain's Cough Remedy was alleged to be misbranded in that statements regarding the curative or therapeutic effects of the article, appearing on the bottle labels, on the enclosing cartons, and in an accompanying circular, falsely and fraudulently represented that the article would be effective as a remedy for, and for the relief of, coughs, colds, spasmodic croup, whooping cough, hoarseness, and bronchial coughs.

Stock's Nu-Tone Tonic was alleged to be misbranded in that statements regarding the curative or therapeutic effects of the article, appearing on the bottle labels, on the enclosing cartons, and in an accompanying circular, falsely and fraudulently represented that the article would be effective in the treatment of the stomach, the liver, the kidneys, and the bowels; and would be effective as a remedy for, and in the relief of, indigestion, sour stomach, loss of appetite, sick headache, heartburn, constipation, run-down conditions, tired feeling, nervousness, rheumatism, and other diseases.

DeWitt's Vaporizing Balm was alleged to be misbranded in that statements regarding the curative or therapeutic effects of the article, appearing on the bottle labels, on the enclosing cartons, and in an accompanying circular, falsely and fraudulently represented that the article would be effective in the treatment of colds in the nose, throat, and chest, sore throat, coughs, congestions of the respiratory organs, nasal catarrh, whooping cough, hay fever, asthmatic paroxysms, bronchial affections, neuralgia, headache, burns, boils, cuts, and inflammations and irritations of the skin.

DeWitt's Cough Syrup was alleged to be misbranded in that statements regarding the curative or therapeutic effects of the article, appearing on the bottle labels, on the enclosing cartons, and in an accompanying circular, falsely and fraudulently represented that the article would be effective in the treat-

ment of pains in the chest, pleurisy, bronchitis, asthma, pneumonia, la grippe, croup, whooping cough, complaints and irritations of the throat, bronchial tubes, and lungs, resulting or arising from coughs and colds, whooping cough, and hoarseness.

Dr. Hess Hog Special was alleged to be misbranded in that statements regarding the curative or therapeutic effects of the article, appearing on the package labels, and in an accompanying circular, falsely and fraudulently represented that the article would be effective in combating intestinal worms (ascarids) in hogs.

Red Cross Headache and Neuralgia Remedy was alleged to be misbranded in that statements regarding the curative or therapeutic effects of the article, appearing on the package labels, falsely and fraudulently represented that the article would be effective in the treatment of headache, neuralgia, insomnia, sick and bilious headache, nervousness, nervous affections, and painful menstruation.

Bees Laxative Cough Syrup was alleged to be misbranded in that statements appearing on the bottle labels, on the enclosing cartons, and in an accompanying circular, falsely and fraudulently represented that the article would be effective in the treatment of coughs, colds, croup, whooping cough, la grippe, bronchitis, asthma, all troubles of the throat, chest, and bronchial tubes, of all soreness of the throat, chest, and lungs, and of pneumonia, consumption, and lung and bronchial troubles.

On November 27 and 29, and December 2, 1935, no claimant having appeared, decrees of condemnation were entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26139. Adulteration and misbranding of fluidextract of aconite NF. U. S. v. 1 Bottle of Fluidextract of Aconite NF. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36540. Sample no. 32814–B.)

This article was labeled and sold as a National Formulary product but its potency was less than half of that required by the formulary standard.

On November 8, 1935, the United States attorney for the Southern District of Iowa, acing upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one bottle, containing approximately 1 gallon of fluidextract of aconite NF at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about June 24, 1935, by Allaire Woodward & Co., from Peoria, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Fluid Extract of Aconite NF."

The article was alleged to be adulterated in that it was sold under a name recognized in the National Formulary, and differed from the standard of strength as determined by tests laid down in said formulary, and its own standard of strength was not stated upon the container.

The article was alleged to be misbranded in that the statement on the label, "Fluid Extract of Aconite", was false and misleading.

On December 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26140. Misbranding of Bi-Sarcol. U. S. v. 34 Bottles of Bi-Sarcol, et al. Default decree of condemnation, forfeiture, and destruction in each of the two cases. (F. & D. nos. 36644, 36665. Samples nos. 53946–B, 54039–B.)

False and fraudulent curative and therapeutic claims were made for this article.

On November 25 and 30, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court, on each of said dates, a libel praying seizure and condemnation of 106 bottles of Bi-Sarcol at Harrisburg, Pa., alleging that the article had been shipped in interstate commerce, in part on or about October 4, 1935, and in part on or about November 16, 1935, by the Bi-Sarcol Laboratories, New York, N. Y., from Laurelton, Long Island, N. Y., to Harrisburg, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Bi-Sarcol * * * Prepared only by Bi-Sarcol Laboratories, New York, N. Y."

Analysis showed that the article consisted essentially of extracts of plant drugs, including licorice and a laxative drug, small proportions of inorganic

compounds, including magnesium and calcium compounds, and water (96 percent).

The article was alleged to be misbranded in that upon and within the package there appeared statements that falsely and fraudulently represented that it was effective as a curative and therapeutic agent to increase the amount of hemoglobin and the number of red blood corpuscles in the blood; to act on the stomach and speed the flow of digestive juices, to strengthen the digestive muscles, and to help rid the body of harmful acids, to tone the kidneys and stimulate their action thus aiding them to remove excessive impurities from the system, to make the kidneys and bowels function better and cause all common ailments to vanish, and to prevent susceptibility to the ravages of various diseases.

On December 30, 1935, no claimant having appeared in either of the two cases, a default decree of condemnation, forfeiture, and destruction was entered in each.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26141. Adulteration and misbranding of Improved Unguentum (Ointment). U. S. v. 165 Packages of Improved Unguentum (Ointment). Default decrees of condemnation, forfeiture, and destruction. (F. & D. no. 36661. Sample no. 44718–B.)

This product was sold under a name recognized in the United States Pharmacopoeia and differed from the pharmacopoeial standard.

On November 25, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 165 packages of Improved Unguentum (Ointment) at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 14, 1935, by the American Pharmaceutical Co., Inc., from New York, N. Y., and alleging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was charged under the allegation that it was sold under a name recognized in the United States Pharmacopoeia and that it differed from the standard of quality and purity as determined by the test laid down in the said pharmacopoeia.

Misbranding of the article was charged under the allegation that it was offered for sale under the name of another article, namely, "Unguentum."

On May 27, 1936, the American Pharmaceutical Co. Inc., claimant, having failed to prosecute its claim, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26142. Adulteration and misbranding of Farastan. U. S. v. 25 Gross Packages of Farastan. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 36682. Sample no. 50324–B.)

This case involved an interstate shipment of Farastan which was represented as an iodo-cinchophen compound when it contained only a small proportion of an organic iodine compound.

On November 29, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 gross packages of Farastan at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 29, 1935, by Sharp & Dohme, Inc., from Philadelphia, Pa., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented on the label of the packages and in an accompanying circular as "Mono-Iodo-Cinchophen Compound", and it consisted of cinchophen approximately 97 percent, and a small proportion of an organic iodine compound.

The article was alleged to be misbranded in that the statement "Mono-Iodo-Cincophen Compound" was false and misleading in view of the actual composition of the article.

On December 12, 1935, the Farastan Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26143. Adulteration and misbranding of Procaine-Epinephrin Dentules. U. S. v. 10 Cartons of "Procaine-Epinephrin Dentules. Default decree of condemnation and destruction. (F. & D. no. 36706. Sample no. 32429–B.)

This case involved an interstate shipment of Procaine-Epinephrin Dentules which contained procaine in a proportion less than that represented on the label.

On December 4, 1935, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cartons of Procaine-Epinephrin Dentules at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about July 30, 1935, by the Atlantic Manufacturing Corporation, from Brooklyn, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "Procaine 2%." The article was alleged to be misbranded in that the statement appearing on the carton, "Contains Procaine 2%", and the statement contained in an accompanying circular, "Dentules contain approximately 2.55 cc of anesthetic solution", were false and misleading.

On June 3, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26144. Misbranding of tincture of aconite root and tincture of nux vomica. U. S. v. Standard Chemical Co., a corporation. Plea of nolo contendere. Fine, $20 and costs. (F & D. no. 36940. Sample nos. 18423–B, 18425–B.)

These articles were represented to conform to the United States Pharmacopoeial standard; but tests of samples showed that the tincture of aconite root had a potency of less than one-fourth of that required by the pharmacopoeial standard; and that the tincture of nux vomica was materially deficient in the alkaloids of nux vomica.

On April 28, 1936, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Standard Chemical Co., a corporation, Des Moines, Iowa, alleging shipment in violation of the Food and Drugs Act, as amended, on or about June 12, 1935, from Des Moines, Iowa, to Sheldon, Mo., of quantities of tincture of aconite root and tincture of nux vomica that were misbranded. The articles were labeled in part: (Bottle) "Poison Tincture Aconite Root U. S. P. Alcohol—65% The Standard Chemical Co. Des Moines, Iowa"; (Bottle) "Poison Tincture Nux Vomica U. S. P. Alcohol . . . 70% The Standard Chemical Company Des Moines, Iowa."

Misbranding of the tincture of aconite root was charged in that the label bore the statement "Tincture Aconite Root U. S. P.", that the article was not tincture of aconite root which would conform to the standard laid down in the United States Pharmacopoeia, and that the aforesaid statement was false and misleading.

Misbranding of the tincture of nux vomica was charged in that the label bore the statement, "Tincture Nux Vomica U. S. P.", that the article was not tincture of nux vomica which conformed to the standard laid down in the United States Pharmacopoeia, and that the aforesaid statement was false and misleading.

On April 28, 1936, a plea of nolo contendere having been entered, a fine of $20 and costs was imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26145. Adulteration of procaine hydrochloride tablets. U. S. v. Mutual Pharmacal Co., Inc. Plea of guilty. Fine, $50. (F. & D. no. 36982. Sample nos. 42217–B, 49782–B.)

This case involved an interstate shipment of procaine hydrochloride tablets that fell below the strength and purity indicated on the label.

On May 11, 1936, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mutual Pharmacal Co., Inc., at Syracuse, N. Y., alleging that on or about August 5, 1935, the defendant had shipped from the State of New York into the State of New Jersey a number of procaine hydrochloride tablets, and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled: "100 Tablets Procaine Hydrochloride 1.14 Grains One tablet dissolved in 60 min. of water

makes a 2% solution. Manufactured by Mutual Pharmacal Co., Inc., Syracuse, N. Y."

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of said tablets was represented to contain 1.14 grains of procaine hydrochloride; whereas each tablet contained less than 1.14 grains, to wit, not more than 1.01 grains of procaine hydrochloride.

On June 11, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26146. Misbranding of rubbing alcohol. U. S. v. 2,154 Bottles of Rubbing Alcohol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37066. Sample no. 44073-B.)

The label of this article bore erroneous statements regarding its ingredients and was without a statement of the quantity or proportion of isopropyl alcohol contained therein. The article was an imitation of and was offered for sale under the name of another article.

On January 13, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,154 bottles of rubbing alcohol at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 30, 1935, by the Wilshire Sales Corporation, from New York, N. Y., into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Dr. Wards Rubbing Alcohol 70 Proof Isopropyl Alcohol Hospital Brand * * * Bond Laboratories New York."

Analysis showed that the article consisted essentially of isopropyl alcohol (approximately 31 percent), a small proportion of acetone, and water, perfumed with methyl salicylate.

Misbranding of the article was charged (a) in that its label bore the statement "Rubbing Alcohol", which statement was false and misleading in that the product contained no ordinary (ethyl) alcohol but did consist essentially of isopropyl alcohol, acetone, water, and perfume; (b) in that the article was an imitation of and was offered for sale under the name of another article, namely, rubbing alcohol; (c) in that the package failed to bear a statement of the quantity or proportion of isopropyl alcohol contained therein since the statement "70 Proof Isopropyl Alcohol" was meaningless.

On March 16, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26147. Misbranding of Dr. Daniels' Colic Drops. U. S. v. 69 Packages of Dr. Daniels' Colic Drops. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37075. Sample no. 43840-B.)

Unwarranted curative or therapeutic claims were made for this article.

On January 21, 1936, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of Dr. Daniels' Colic Drops at Portland, Maine, alleging that the article had been shipped in interstate commerce, on or about December 16, 1935, by Dr. A. C. Daniels, Inc., from Boston, Mass., into the State of Maine, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Dr. Daniels' * * * Colic Drops." The package of the article contained two bottles, marked "No. 1" and "No. 2", respectively.

Analysis showed that bottle no. 1 contained extracts of plant drugs including nux vomica and a red coloring matter, and that bottle no. 2 contained an extract of a bitter drug.

Misbranding of the article was charged in that the following statements appeared upon the package of the article, and that said statements were false and fraudulent representations regarding the curative or therapeutic effects of the article, to wit, "Colic Drops * * * Azoturia may be relieved by giving 30-drop doses of No. 1 Colic Drops every fifteen minutes for two or three hours. * * * 30 drops equal half teaspoonful. Directions Ordinary Horse Colic:—Acute Indigestion:—To relieve, give to the animal 30 drops or ½ teaspoonful of No. 1 Colic Drops in the mouth as far back on the tongue as possible. In 10 minutes give 30 drops of No. 2. Continue giving first 1 and then the other at

intervals of 10 min. until relieved. In some severe or neglected cases, double the first two doses, giving a teaspoonful or 60 drops of No. 1 and in ten minutes 60 drops of No. 2, then at intervals of 10 min. continue giving doses of 30 drops each of No. 1 and No. 2. * * * Stoppage of Water, Black Water, Strangury:—These may often be relieved by timely use of the Colic Drops. Give 30-drop doses of the No. 1 Colic Drops every 15 minutes. * * * Arsenical Poison in Animals may be relieved by giving 30-drop doses of No. 1 Colic Drops every half hour for 6 hours, or until relieved. * * * Scours in Calves may be relieved by giving 30-drop doses of No. 1 Colic Drops at intervals of 10 min., morning and night, for 3 hours * * * 'Stay-Up' Medicine for Race Track Use:—Give 30 drops of No. 1 after each heat."

On March 11, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26148. Misbranding of extract of witch hazel. U. S. v. 582 Bottles of Extract of Witch Hazel. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37081. Sample no. 44074–B.)

The fluid volume of this article was less than represented and unwarranted curative and therapeutic claims were made for it.

On January 17, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 582 bottles of extract of witch hazel at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 16, 1935, by the Lander Co., Inc., from Binghamton, N. Y., into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Extract of Witch Hazel"; (package) "Contents 8 Ozs."

Misbranding of the article was charged (a) in that the label bore the statement "8 Ozs.", which statement was false and misleading in that each of the packages contained less than 8 fluid ounces; (b) in that there appeared upon the package the statement, "An effective local remedy indicated in all cases of rheumatism * * * piles, hemorrhages,etc.", which statement was a false and fraudulent one regarding the curative and therapeutic effects of the article.

On March 23, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26149. Misbranding of Alcothol-Rub. U. S. v. 103 Dozen Bottles of Alcothol-Rub. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37082. Sample nos. 46136–B, 46137–B.)

The label of this article bore an untrue statement concerning the opinion thereon of the medical profession, and was false and misleading with regard to its ingredients. The proportion of alcohol therein was not stated upon the package label.

On January 17, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of Alcothol-Rub at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about October 26, 1935, and October 29, 1935, by Fallis, Inc., from New York, N. Y., to San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Alcothol-Rub * * * Endorsed by the Medical Profession, the Perfect Rubbing Compound."

Misbranding of the article was charged (a) in that the bottle label bore the statement, "Alcothol-Rub * * * Endorsed by the Medical Profession", and that said statement was false and misleading (a) in that it consisted largely of water with a small proportion of alcohol, and in that the medical profession had not endorsed the said article; (b) in that the shipping containers bore the statement, "Rubbing Alcohol Compound, Alcohol 70%", which statement was false and misleading; (c) under the allegation that the package failed to bear on its label a [correct] statement of the quantity or proportion of alcohol contained therein.

On April 14, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26150. Adulteration and misbranding of rubbing alcohol. U. S. v. 34 Dozen Bottles of Rubbing Alcohol, and another libel proceeding against 200 bottles of the same product. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 37097, 37120. Sample nos. 50836–B to 50839–B, incl.)

This article failed to conform to its professed standard and its label erroneously conveyed the impression that its essential ingredient was ordinary alcohol.

On January 22 and January 28, 1936, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 234 dozen bottles of rubbing alcohol, alleging that the article had been shipped in interstate commerce by the Reo Chemical Corporation, from Newark, N. J., to Brooklyn, N. Y., on or about November 13, November 20, and December 24, 1935, and charging adulteration and misbranding of the article in violation of the Food and Drugs Act. The article was in two lots of bottles which were labeled, respectively: "Physicians & Surgeons Rubbing Alcohol * * * Meeker Pharmacal Company, Newark", and "Rubbing Alcohol * * *."

Adulteration of the article was charged in that it was sold under the name "Rubbing Alcohol", that it did not consist of ordinary (ethyl) alcohol, that it was a mixture of isopropyl alcohol and water, that its strength and purity fell below the professed standard and quality under which it was sold. This charge, as made in the libel filed on January 22, 1936, was that the mixture was one-third isopropyl alcohol and two-thirds water; and as made in the libel filed on January 28, 1936, that the mixture was about 69 percent isopropyl alcohol and 31 percent water.

Misbranding of the article was charged in that it did not consist of alcohol, that the declaration on its label, "70 Proof Isopropyl Alcohol", was meaningless, that its label did not bear a statement as to the quantity or proportion of isopropyl alcohol it contained; and that the statement on the label, "Rubbing Alcohol", was false and misleading.

On April 21, 1936, no claimant having appeared in either case, a default decree of condemnation, forfeiture, and destruction was entered in each case.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26151. Misbranding of Nevah Tablets. U. S. v. 141 Bottles of Nevah Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37098. Sample no. 56468–B.)

This article contained dangerous drugs and the direction for its use erroneously indicated that it was a safe and appropriate remedy. Unwarranted curative and therapeutic claims were made for the article.

On January 24, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 bottles of Nevah Tablets at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about February 4, 1935, by the Nevah Laboratories from Lock Haven, Pa., to Indianapolis, Ind., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Nevah Tablets."

Analysis showed that each of the tablets contained amidopyrine (1.6 grains), sodium salicylate (2.8 grains), colchicine, magnesium oxide, pumice, and starch.

Misbranding of the article was charged (a) in that the label thereon bore false and misleading statements, as follows: "Directions 1st day—One tablet with glass of water every 3 hours until 5 doses * * * taken. 2nd and 3rd Days—One tablet with glass of water 4 times a day. 4th, 5th, 6th, and 7th Days—One tablet 3 times a day with glass of water. In some cases it may be advisable to continue the treatment, in which case take one tablet 4 times a day with glass of water", which directions indicated that the article was a safe and appropriate remedy, whereas the article contained dangerous drugs which would render it unsafe and inappropriate when taken according to the aforesaid directions; (b) in that there appeared upon and within the package containing the article statements hereinbefore quoted under the first of the misbranding charges, and the additional statements, "Relief of Pain Indicated in Rheumatic Fever and Gout, Neuritis, * * * Sciatica", which statements were representations regarding the curative or therapeutic effect of the article and were false and fraudulent.

On April 22, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26152. Adulteration and misbranding of an article known as Physicians & Surgeons Rubbing Alcohol, also as Hospital Brand Rubbing Alcohol. U. S. v. 7 Gross of an article labeled in part "Physicians & Surgeons Rubbing Alcohol" and in other part as "Hospital Brand Rubbing Alcohol." Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37101. Sample nos. 50832–B, 50833–B.)

This article failed to conform to its professed standard; and its label bore erroneous statements concerning its composition, and no statement of its alcoholic content.

On January 24, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of an article, in part labeled "Physicians & Surgeons Rubbing Alcohol" and in other part labeled "Hospital Brand Rubbing Alcohol", at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 11, 1935, by the Reo Chemical Corporation from Newark, N. J., to New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Physicians & Surgeons Rubbing Alcohol * * * Meeker Pharmacal Company, Newark"; (bottle) "Hospital Brand Rubbing Alcohol * * * Meeker Pharmacal Company, Newark, New Jersey."

Analysis showed that the article consisted essentially of isopropyl alcohol approximately 33 percent and water approximately 67 percent.

Adulteration of the article was charged in that its strength and purity fell below the professed standard and quality under which it was sold, and in that it did not consist of ordinary (ethyl) alcohol but was a mixture of about one-third isopropyl alcohol and two-thirds water.

Misbranding of the article was charged (a) in that the label bore the statement "Rubbing Alcohol", which statement was false and misleading in that the product did not consist of alcohol; (b) in that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained therein, in that the declaration on the package "70 Proof Isopropyl Alcohol" was meaningless.

On February 17, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26153. Misbranding of Van-Tage. U. S. v. 99 Cases of Van-Tage, and another libel proceeding against 60 cases of the same article. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 37104, 37122. Sample nos. 60740–B, 60742–B.)

Unwarranted curative and therapeutic claims were made for this article.

On January 23 and 25, 1936, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of quantities of Van-Tage at Denver, Colo., shipped in interstate commerce on or about January 11 and January 15, 1936, respectively, by the Van-Tage Medicine Co., Los Angeles, Calif., from that place to Denver, Colo., and charging in each case misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Van-Tage."

Analysis showed that the article consisted essentially of potassium iodide (0.2 gram per 100 milliliters), pepsin (0.1 gram per 100 milliliters), extracts of plant drugs including aloe, glycerin, water, and flavoring material, preserved with salicylic acid.

Misbranding of the article was charged in the libel filed January 23, 1936, in that its package bore statements that were false and fraudulent, to wit, that the article was of curative or therapeutic efficacy when administered in the treatment of decided sluggish condition of the human organs and bloodstream, and of stomach, bowel, liver and kidney ills; that the article was effective to cleanse impurities from the bowels, to stimulate the stomach to proper digestion of food; that the article had been helpful to millions of men and women who were half living, dragging listlessly through life racked with pain—unable to eat and drink—unable to enjoy the fullness of life.

Misbranding of the article was charged in the libel filed January 25, 1936, in that the package and circular enclosed therein bore the following statements that were false and fraudulent representations concerning the curative or therapeutic effects of the article: (Bottle label) "In any decided sluggish condition"; (carton, large size only) "* * * for sick and ailing people

* * *"; (circular headed "Double-Action") "While the medicine is acting on your upper organs, * * * and bloodstream"; (circular headed "To the Millions of Men and Women") the design of a healthy man and the statements, "Yours for health * * * 'I've made millions of sick people feel better!' Here is a picture of the man who has manufactured and sold more medicine than any other man alive today! He was a sickly youth—suffering from stomach pains when still a schoolboy. He consulted scores of stomach specialists—underwent innumerable treatments for stomach, bowel, liver and kidney ills. Finally he took up the study of medicine himself and evolved a formula of natural herbs and other medicaments which became the world's largest selling medicine! '* * * Van-tage—the medicine you have just bought. I originated this formula 25 years ago to relieve my suffering from stomach gas, bloating, and kindred ailments. * * * My own medicine made me well * * * I combined herbs that would stimulate the liver to release its bile * * * other herbs to cleanse impurities from the bowels—and still others to stimulate the stomach to proper digestion of food. * * * it made a new man of me! * * * My remarkable restoration to health caused much talk. Many other stomach sufferers came to me; begging for my secret. I gave my medicine freely to friends and strangers—and because of its wonderful success with other people, because of the letters of thanks and praise I received, I decided to make this medicine available to everyone. * * * Think of it—Millions of men and women—who were half living, dragging listlessly through life racked with pain—unable to eat and drink—unable to enjoy the fullness of life. * * * it helped them * * * you who take my improved Van-tage will get even greater help in your fight to regain health. To the millions of men and women who have been helped by my medicines—* * * take the treatment systematically and let its beneficial action continue over a long enough time to get results. This medicine has helped millions of others. Give it a fair trial and it will help you.'"

On March 12 and 23, 1936, no claimant having appeared in either case, default decree of condemnation, forfeiture, and destruction was entered in each case.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26154. Misbranding of Diatone. U. S. v. 15 Packages of Diatone, and another libel proceeding against 7 packages of the same article. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 37107, 37108. Sample nos. 56333–B, 56334–B.)

Unwarranted therapeutic and curative claims were made for this article.

On January 24, 1936, the United States attorney for the Western District of Kentucky, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 22 packages of Diatone at Louisville, Ky., alleging in each libel that the article had been shipped in interstate commerce on or about November 21, 1935, by Diabetic Diatone, Inc., Chicago, Ill., from that place to Louisville, Ky., and charging in each case misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton and bottle label) "Diatone An Oral Treatment for the Control of Diabetes."

Analysis showed that the article consisted essentially of a starch digestant, such as pancreatin, salt, and clay.

Misbranding of the article was charged in each case under the allegation that upon the packages of both sizes thereof there appeared the following statements regarding the curative or therapeutic effect of the article, and that the said statements were false and fraudulent: "Diatone An Oral Treatment for the Control of Diabetes Indicated for the treatment of diabetes without a starvation diet. At regular intervals both blood and urine tests should be made by the attending physician, who will regulate the diet and other necessary forms of treatment as may be needed. Suggested Dose 1 tablet 30 minutes before meals and at bedtime with a glass of water. In severe cases the dose may be increased if necessary. In most cases it will be possible to decrease the dose as the treatment progresses. * * * When urine is sugar-free and blood sugar content becomes normal 1 or 2 tablets should be taken regularly every day. Diatone."

On March 9, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered in each case.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26155. Misbranding of Kirby's Miracle Mineral. U. S. v. 75 Bottles of Kirby's Miracle Mineral. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37109. Sample no. 49449–B.)

Unwarranted therapeutic and curative claims were made for this article.

On January 23, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 bottles of Kirby's Miracle Mineral at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce by Kirby's Mineral Products, on or about December 16, 1935, from Union, S. C., to Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Kirby's Miracle Mineral."

Analysis showed that the article consisted of a solution of iron sulphate in water.

Misbranding of the article was charged in that a circular enclosed in its package bore statements regarding the curative and therapeutic effects of the article, which statements falsely and fraudulently represented that it was effective as a remedy and cure for venereal diseases, shankers, gonorrhea, gleet, piles, ulceration of the womb, strained back, tetter worm, bleeding gums and pyorrhea, and that its use had healed thousands.

On February 27, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26156. Adulteration and misbranding of solution epinephrine hydrochloride. U. S. v. 9 Bottles of Solution Epinephrine Hydrochloride. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37113. Sample no. 34569–B.)

This article was labeled as a product of United States Pharmacopoeial standard but had a potency of approximately two-thirds of that required by said standard.

On February 3, 1936, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine bottles of solution epinephrine hydrochloride at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about June 6, 1935, by the Lederle Laboratories, San Francisco, Calif., therefrom to Tucson, Ariz., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Solution Epinephrine Hydrochloride 1:1000 * * * Physiologically Standardized U. S. P. X."

Adulteration of the article was charged in that it was sold under a name recognized in the United States Pharmacopoeia, that it differed from the standard of strength as determined by the test laid down in the pharmacopoeia, and that its own standard was not stated on the label.

Misbranding of the article was charged in that the following statements appearing on the carton and bottle label, in English and Spanish, were false and misleading: (Carton and bottle) "Solution Epinephrine Hydrochloride 1:1000 * * * Physiologically Standardized U. S. P. X.;" (circular) "* * * the 1:1000 Solution of Epinephrine Hydrochloride * * * complies in all respects with the requirements of the U. S. P. X."

On March 9, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26157. Misbranding of Fowlerine. U. S. v. 18 Bottles of Fowlerine. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37119. Sample no. 62208–B.)

False and fraudulent curative and therapeutic claims were made for this article.

On January 27, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 bottles of Fowlerine at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about January 30, 1935, by the Fowler Medicine & Chemical Co., Memphis, Tenn., therefrom to New Orleans, La., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Fowlerine."

Analysis showed that the article consisted essentially of a sulphurated oil, turpentine oil, and methyl salicylate.

Misbranding of the article was charged in that its label and carton bore, and a circular enclosed in its package contained, statements regarding the curative and therapeutic effects of the article that were false and fraudulent in that said statements falsely and fraudulently represented that the article possessed curative and therapeutic efficacy when administered in the treatment of kidney, bladder, and rheumatic trouble, nervousness, indigestion, disorders of the generative organs, cramps, and colic, and that it was of a curative and therapeutic benefit to women in connection with periodical cramps or suppressions.

On February 22, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26158. Adulteration and misbranding of rubbing alcohol. U. S. v. 942 Bottles of an article labeled, variously, "Dr. McClellan's Rubbing Alcohol," "Physicians & Surgeons Rubbing Alcohol," and "Hospital Brand Rubbing Alcohol." Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37121. Sample nos. 50829–B, 50830–B, 50831–B.)

This article failed to conform to its professed standard, its label bore erroneous statements regarding its composition and was without a statement of the quantity or proportion of alcohol therein.

On January 27, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 942 bottles of an article variously labeled, "Dr. McClellan's Rubbing Alcohol", "Physicians & Surgeons Rubbing Alcohol", and "Hospital Brand Rubbing Alcohol" at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about December 19, 1935, by the Reo Chemical Corporation, from Newark, N. J., to New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was variously labeled in part: (Bottle) "Dr. McClellan's Rubbing Alcohol * * * Hospital Brand"; "Physicians & Surgeons Rubbing Alcohol"; "Hospital Brand Rubbing Alcohol."

Adulteration of the article was charged in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Rubbing Alcohol", and the article did not consist of ordinary (ethyl) alcohol, but was a mixture of isopropyl alcohol and water.

Misbranding was charged (a) in that the label bore the statement "Rubbing Alcohol", which statement was false and misleading in that the product did not consist of ordinary (ethyl) alcohol; (b) in that the label failed to bear a statement of the quantity or proportion of isopropyl alcohol contained therein, since the declaration on the label, "70 Proof Isopropyl Alcohol", was meaningless.

On February 17, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26159. Adulteration and misbranding of M edouard's B. Acidophilus Compound. U. S. v. 13 Packages of M edouard's B. Acidophilus Compound. Default decree of condemnation and destruction. (F. & D. no. 37123. Sample no. 59038–B.)

This article failed to conform to its professed standard; its package bore erroneous statements concerning its ingredients and false and fraudulent curative and therapeutic claims were made for it.

On January 28, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 packages of M edouard's B. Acidophilus Compound at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 10, 1935, by Z. Hubay, from Memphis, Tenn., from that place to Kansas City, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Package) "M edouard's B. Acidophilus Compound * * * Bry's—Memphis * * * Gus Blass—Little Rock Los Angeles * * * Chicago * * * Indianapolis."

Analysis showed that the article consisted essentially of a moldy mixture of agar, psyllium seed, milk sugar, starchy material, and phenolphthalein, a laxative derived from coal tar (approximately 2.8 percent). It contained no

significant proportion, if any, of viable *Lactobacillus acidophilus* bacilli, and no kelp nor dextrin.

Adulteration of the article was charged under the allegation that its strength and purity fell below the professed standard under which it was sold, in that the article contained no significant proportion, if any, of viable *L. acidophilus* bacilli, and no dextrin or cerea (kelp) and no other valuable food ingredients, but contained phenolphthalein, a coal-tar laxative, and was in a moldy condition.

Misbranding was charged (a) under the allegation that the package bore the statement "B Acidophilus Compound A * * * blend of * * * psyllium, psylla, Japanese Agagar Agagar, Lactose, Dextrine, Cerea, (Kelp which contains vitamins A, B, D, E, F and G, and 16 chemicals, 32 organic minerals that the body is composed of), and other valuable food ingredients", and that the statement was false and misleading in view of the actual composition of the article; (b) under the allegation that the package bore the following statements regarding the curative and therapeutic effects of the article and that the statements were false and fraudulent: "Not a Purgative—Not a Cathartic Not a Physic * * * To remove excessive infective Organisms from the large intestines. * * * To prevent toxic absorption. * * * To change the Intestinal Flora. * * * To introduce Living B. Acidophilus into the large intestines to prevent the growth of the infective types. * * * To re-mineralize the body and furnish that unbroken chain of vitamins, which is so necessary to perfect health."

On April 16, 1936, no claimant having appeared, a default decree of condemnation and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26160. Misbranding of rubbing alcohol. U. S. v. 684 Bottles of Rubbing Alcohol. Default decree of condemnation and destruction. (F. & D. no. 37137. Sample no. 57007–B.)

This case involved an interstate shipment of rubbing alcohol, which was misbranded as to the nature and proportion of alcohol contained therein.

On January 31, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 684 bottles of rubbing alcohol at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about January 13, 1935, by the Marshall Laboratories, Inc., Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statements on the label, "Rubbing Alcohol Compound" and "Alcohol 70 Proof (IP)", were false and misleading, since the article did not contain any ordinary (ethyl) alcohol, but consisted essentially of a mixture of isopropyl alcohol and water. The article was alleged to be misbranded further in that the quantity or proportion of isopropyl alcohol contained therein was not stated on the label, since the expression "(IP)", following the statement "Alcohol 70 Proof" on the label, was meaningless.

On March 7, 1936, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26161. Misbranding of Kopp's. U. S. v. 281 Bottles of Kopp's. Default decree of condemnation and destruction. (F. & D. no. 37140. Sample nos. 39992–B, 39993–B.)

This case involved a shipment of Kopp's the label and package of which bore and contained recommendations and directions for its administration to infants and young children, when by reason of the presence therein of morphine it was not safe for administration to infants or young children; and false and fraudulent statements as to its curative or therapeutic effect.

On January 31, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 281 bottles of Kopp's at Baltimore, Md., alleging that the article had been transported in interstate commerce on or about July 8 and November 1, 1935, by C. Robert Kopp, from York, Pa., and that it was misbranded in violation of the Food and Drugs Act.

Analysis showed that the article consisted essentially of morphine sulphate (⅛ grain per fluid ounce), flavoring oils including anise oil, alcohol, glycerin, sugar, and water, colored red.

The article was alleged to be misbranded in that directions on the bottle labels and in an accompanying circular, and a picture of a baby, together with a statement in said circular, were false and misleading in that they represented that the article was a safe and appropriate remedy for infants and young children, when in fact it was not, since infants and young children are susceptible to poisoning from morphine, an ingredient of the article. The article was alleged to be misbranded further in that said directions on the label and in the circular and said picture and statement in the circular were statements, designs, and devices regarding the curative or therapeutic effect of the article, and falsely and fraudulently represented that the article was capable of producing the effects claimed.

On March 12, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the article be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26162. Misbranding of "Modern Treatment for Nasal Irritations and Congestion." U. S. v. 240, and 89, and 263 articles labeled "Modern Treatment for Nasal Irritations and Congestion." Default decree of condemnation and destruction. (F. & D. nos. 37142, 37348, 37386. Sample nos. 54697–B, 60646–B, 64376–B.)

These cases involved interstate shipments of outfits described as "Modern Treatment for Nasal Irritations and Congestion", each outfit consisting of a drug, labeled "Synex", and an apparatus, labeled "Syn-O-Scope", for applying Synex. The proportion of alcohol contained in Synex was misrepresented on the label, and an accompanying circular contained false and fraudulent representations regarding the curative or therapeutic effects of the article.

Analysis of the Synex showed that it consisted essentially of eucalyptus oil, camphor, menthol, and alcohol.

On February 4, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed a libel praying seizure and condemnation of 240 outfits labeled "Modern Treatment for Nasal Irritations and Congestion", consisting each of 240 bottles of the drug Synex and as many specimens of the apparatus Syn-O-Scope, at Salt Lake City, Utah; on March 13, 1936, the United States attorney for the Northern District of Georgia similarly filed a libel praying seizure and condemnation of 89 such outfits at Atlanta, Ga.; and on March 24, 1936, the United States attorney for the Western District of New York similarly filed a libel praying seizure and condemnation of 263 such outfits at Buffalo, N. Y. It was alleged that the articles had been shipped in interstate commerce by the Syn-O-Scope Laboratories, from Chicago, Ill., on or about January 9 and 18, and December 23, 1935, and that they were misbranded in violation of the Food and Drugs Act as amended.

In the two libels first mentioned it was alleged that the Synex was misbranded in that the statement on the label of the bottles, "Synex Alcoholic Content 20%", was false and misleading. In all three of the libels it was alleged that the Synex was misbranded in that statements regarding its curative or therapeutic effects, contained in an accompanying circular, falsely and fraudulently represented that it was effective in the treatment of sinus trouble, catarrh, hay fever, and other irritations and congested conditions of the head passages.

On March 14, April 22 and 25, 1936, no claimant having appeared in any of the three cases, judgment of condemnation was entered in each case and it was ordered that the Synex and the Syn-O-Scopes be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26163. Misbranding of rubbing alcohol compound and rubbing alcohol. U. S. v. 27 Dozen Bottles of Rubbing Alcohol Compound and Rubbing Alcohol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37147. Sample nos. 65526–B, 65527–B.)

These products contained isopropyl alcohol and were labeled to create the erroneous impression that they contained ethyl alcohol. The labels were further objectionable because they failed to bear a proper declaration of the quantity of isopropyl alcohol contained in the articles.

On February 5, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 dozen bottles of rubbing alcohol compound and rubbing alcohol at Fall River, Mass., alleging that the articles had been shipped in interstate commerce on or about November 22, 1935, by the Vale Co., from New York, N. Y., into the State of

Massachusetts, and charging misbranding in violation of the Food and Drugs Act. Certain bottles were labeled in part, "Rubbing Alcohol Compound Isopropyl Alcohol 70 Proof * * * Bond Laboratories New York—Chicago"; other bottles were labeled in part, "Dr. Wards Rubbing Alcohol 70 Proof Isopropyl Alcohol Hospital Brand * * * Bond Laboratories New York."

Misbranding of the rubbing alcohol compound was alleged in that the statement on the label "Rubbing Alcohol Compound" was false and misleading, since it created the impression that the article contained ordinary (ethyl) alcohol; whereas it was a mixture of isopropyl alcohol and water, and the erroneous impression thus created was not corrected by the relatively inconspicuous statement on the label, "Isopropyl Alcohol 70 Proof." Misbranding of the rubbing alcohol was alleged in that the statement on the label, "Rubbing Alcohol," was false and misleading since the article contained no ordinary (ethyl) alcohol and consisted essentially of isopropyl alcohol, acetone, and water; in that the article was an imitation of and was offered for sale under the name of another article. Misbranding was alleged with respect to both products for the further reason that the labels failed to bear a statement of the quantity or proportion of isopropyl alcohol contained therein, since the statement "70 Proof Isopropyl Alcohol" was meaningless.

On March 16, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26164. Adulteration and misbranding of Athlete's Rub Alcohol Compound. U. S. v. 127 Dozen Bottles of Athlete's Rub Alcohol Compound and another libel proceeding against the same article. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 37154, 37155. Sample nos. 43899–B, 44023–B.)

This article failed to conform to its professed standard; and its label created the erroneous impression that it contained ethyl alcohol, and did not bear a statement of the quantity or proportion of isopropyl alcohol contained therein.

On February 5, 1936, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 127 dozen bottles and 129 dozen bottles, respectively, of Athlete's Rub Alcohol Compound at Fall River, Mass., alleging that the 127 dozen bottles had been shipped in interstate commerce on or about November 26, 1935, by the Outlet Merchandise Co., from Brooklyn, N. Y.; that the 129 dozen bottles had been shipped by the same company on or about November 22, 1935, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Athlete's Rub Alcohol Compound * * * Athletic Supply Company, Brooklyn, N. Y."

Adulteration of the article was charged in each case under the allegation that its purity fell below the standard under which it was sold, namely, "Alcohol Compound 70 Proof", that the article was not composed essentially of ordinary (ethyl) alcohol but consisted of a mixture of isopropyl alcohol and water, and that it did not contain 70 percent of alcohol, nor 70 proof alcohol.

Misbranding of the article was charged in each case, (a) under the allegation that the label on the bottle bore the statement "Alcohol Compound 70 Proof" and that said statement was false and misleading in that the article did not contain ordinary (ethyl) alcohol but consisted of a mixture of isopropyl alcohol and water; (b) and under the allegation that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained therein.

On March 23, 1936, no claimant having appeared in either case, a default decree of condemnation, forfeiture, and destruction was entered in each.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26165. Misbranding of Athlete's Rub Alcohol Compound. U. S. v. 58 Dozen Bottles of Athlete's Rub Alcohol Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37159. Sample no. 43900–B.)

The label of this article bore erroneous statements concerning both its ingredients and the quantity of the contents of its bottle container and was without a statement as to the proportion of alcohol in the article.

On February 11, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the dis-

trict court a libel praying seizure and condemnation of a quantity of Athlete's Rub Alcohol Compound at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about November 12, 1935, by the Tou Jour Supply Co., from Brooklyn, N. Y., into the State of Rhode Island, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Athlete's Rub Alcohol Compound * * * Athletic Supply Co. Brooklyn, N. Y."

Misbranding of the article was charged (a) under the allegation that the label bore the statement "Alcohol Compound 70 Proof", and that said statement was false and misleading in that the article contained no ordinary (ethyl) alcohol but consisted of a mixture of isopropyl alcohol and water; (b) under the allegation that the statement on the label, "16 Fl. Ozs.", was false and misleading in that the package contained less than 16 fluid ounces; (c) under the allegation that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained therein.

On March 9, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26166. Misbranding of APCO No. 36 Antiseptic Suppositories. U. S. v. 6 Dozen Packages of APCO No. 36 Antiseptic Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37163. Sample nos. 43750–B, 44096–B.)

The label of this article bore erroneous statements concerning its action when used as directed and false and fraudulent curative and therapeutic claims were made for the article.

On February 6, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of APCO No. 36 Antiseptic Suppositories at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 27 and December 24, 1935, by the Ampere Products Co., from West Orange, N. J., to Boston, Mass., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "APCO No. 36 Antiseptic Suppositories."

Analysis showed that the article consisted of gelatin capsules containing essentially boric acid, quinine sulphate, and theobroma oil.

Misbranding of the article was charged (a) under the allegation that a circular enclosed in the package bore the following statements and that said statements were false and misleading: "An APCO No. 36 capsule, when placed high up in the vaginal tract, quickly starts to dissolve from the heat and moisture of the body, releasing active medicinal ingredients, which give off certain antiseptic gases. This gaseous fluid penetrates to every crevice of the vaginal tract, * * * It is a deodorizer * * * APCO No. 36 being a definite chemical compound, * * * contain no grease * * * They are far superior to greasy suppositories"; (b) under the allegation that a circular enclosed in the package contained statements regarding the curative and therapeutic effects of the article and that said statements were false and fraudulent, to wit: "Safe * * * Harmless Modern women realize that correct feminine hygiene is the most important thing * * * and that health, * * * depends upon it. * * * gives complete antisepsis * * * to destroy pathogenic germs in a few seconds * * * This gaseous fluid penetrates to every crevice of the vaginal tract, making it clean and free of germ-laden accumulations, giving complete protection against obnoxious germs for several hours. * * * it has never damaged any delicate membranes, * * * contains no injurious or irritating ingredients * * * It not only affords immunity from infection, specific or otherwise, but will aid in healing delicate tissues and membranes. It is also used in the treatment of leuchorrhea (whites), vaginitis, * * * inflammation, etc."

On March 16, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26167. Adulteration and misbranding of cod-liver oil. U. S. v. 3,000 Bottles of Cod-Liver Oil. Default decree of condemnation and destruction. (F. & D. no. 37164. Sample no. 39994–B.)

This case involved an interstate shipment of cod-liver oil, which differed from the standard of strength, quality, and purity of cod-liver oil as determined by the test laid down in the United States Pharmacopoeia.

On February 6, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,000 bottles of cod-liver oil at Perry Point, Md., alleging that the article had been shipped in interstate commerce on or about November 19, 1935, by the Purepac Corporation from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under or by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia.

The article was alleged to be misbranded in that the statement, "Cod Liver Oil * * * U.S.P. 10th Revision", appearing on the label, was false and misleading when applied to an article containing undestearinated cod-liver oil and material that was insoluble in chloroform.

On April 1, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26168. Misbranding of Deo Dennis Eucalyptus Ointment. U. S. v. 105 Jars and 33 Tubes, and 408 Packages of Deo Dennis Eucalyptus Ointment. Default decrees of condemnation and destruction. (F. & D. nos. 37174, 37216. Sample nos. 60657–B, 60719–B.)

These cases involved interstate shipments of Deo Dennis Eucalyptus Ointment the package label of which and an accompanying circular bore and contained false and fraudulent statements regarding its curative or therapeutic effect.

On February 11, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 105 jars and 33 tubes of Deo Dennis Eucalyptus Ointment at Salt Lake City, Utah; and on February 18, 1936, the United States attorney for the District of Colorado similarly filed a libel praying seizure and condemnation of 408 packages of an article so labeled at Denver, Colo. It was alleged that the article had been shipped in interstate commerce on or about June 28 and November 29, 1935, and January 4, 1936, by the Davis Eucalyptus Laboratories from Oakland, Calif., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of eucalyptus oil with small amounts of menthol, camphor, and sassafras oil incorporated in an ointment base.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, appearing on the label of the jars containing the article, and contained in circulars accompanying the jars and the tubes containing the article, falsely and fraudulently represented that the article was effective as a treatment and remedy for chest colds, nasal catarrh, bronchial catarrh, head noises, catarrhal deafness, asthma, hay fever, influenza, eczema, muscular stiffness, muscular pain, and muscular exhaustion; and effective for healing wounds, sores, carbuncles, boils, and itching piles.

On March 28 and April 24, 1936, no claimant having appeared in either case, judgments of condemnation were entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26169. Misbranding of Videx. U. S. v. 27 Dozen Packages of Videx. Default decree of condemnation and destruction. (F. & D. no. 37182. Sample no. 46192–B.)

This case involved an interstate shipment of Videx the labeling of which contained false and fraudulent representations regarding its curative or therapeutic effects, and false and misleading representations as to its safe and harmless character.

On February 10, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 dozen packages of Videx at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 17, 1935, by Grove Laboratories, Inc., from St. Louis, Mo., and that it was misbranded in violation of the Food and Drugs Act as amended.

The article was alleged to be misbranded in that a statement on some of the metal containers of the article and statements on a small envelope and in a circular accompanying each of the packages, representing that the article was safe and harmless and would not interfere with the natural processes, were false and misleading, since the article was not safe nor harmless and might interfere with the natural processes. The article was alleged to be misbranded further in that statements regarding its curative or therapeutic effects, appearing upon and within the packages, falsely and fraudulently represented that the article was a safe and appropriate remedy for banishing, preventing, and relieving menstrual pains, for relieving simple headache, and other aches and pains, neuritis, neuralgia, rheumatism, lumbago, restless nerves, and sleeplessness.

On February 26, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26170. Adulteration and misbranding of Neosupracain Procaine-Epinephrine Solution. U. S. v. 4½ Packages of Neosupracain Procaine-Epinephrine Solution. Default decree of condemnation and destruction. (F. & D. no. 37189. Sample no. 57005–B.)

This case involved an interstate shipment of Neosupracain Procaine-Epinephrine Solution that contained procaine hydrochloride in a proportion greater than that represented on the label, and the label failed to bear a statement that chloretone contained in the article was a derivative of chloroform.

On February 14, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four and one-half packages of Neosupracain Procaine-Epinephrine Solution at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about December 10, 1935, by the Neosupracain Co., from Chicago, Ill., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Procaine Hydrochloride, U. S. P. 2%." The article was alleged to be misbranded in that the following statements were false and misleading: (Box) "2.5 cc (approx.) * * * "Procaine Hydrochloride, U. S. P. 2%"; (circular) "Procaine Hydrochloride, U. S. P. 2%." The article was alleged to be misbranded further in that the label failed to bear a statement that chloretone contained therein was a derivative of chloroform.

On March 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26171. Misbranding of Doran's Gape Remedy. U. S. v. 91 Cans of Doran's Gape Remedy, and 4 other libel proceedings against the same product, involving 235 cans thereof. Decree of condemnation, forfeiture, and destruction in each of the cases. (F. & D. nos. 37136, 37233, 37234, 37235, 27236. Sample nos. 18899–B, 56123–B, 56124–B, 56125–B, 56138–B, 56139–B.)

Therapeutic and curative claims were made for this article which were adjudged to be false and fraudulent.

On January 31 and February 24, 1936, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed libels praying seizure and condemnation of 326 cans of Doran's Gape Remedy at Cincinnati, Ohio, alleging shipment of the article on or about February 24, June 14, July 5, July 22, and July 26, 1935, by Doran & Hicks, from Brandenburg, Ky., to Cincinnati, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of calcium arsenate (45 percent), calcium arsenite (3 percent), mineral matter, and a purple coloring material.

Misbranding of the article was charged under the allegations that the label upon the cans bore, and a leaflet enclosed in the cans contained, statements regarding the curative or therapeutic effect of the article; that the statements represented that the article would cure gapes in chickens and turkeys, that one or two applications thereof would cure gapes in chickens and that it would effect such cure through inhalation of the article by chickens and turkeys; that the said statements were false and fraudulent.

On April 7, 1936, no claimant having appeared, a default decree of condemnation and destruction was entered in each case.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26172. Misbranding of "Isopropyl Alcohol 70 Proof." U. S. v. 309 Bottles of "Isopropyl Alcohol 70 Proof." Default decree of condemnation and destruction. (F. & D. no. 37238. Sample no. 52195–B.)

This case involved an interstate shipment of an article described on the label as "Isopropyl Alcohol 70 Proof Hy-Grade Rubbing Alcohol Compound", which description conveyed the impression that the article contained ordinary (ethyl) alcohol, when it did not.

On February 25, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 309 bottles of an article, labeled "Isopropyl Alcohol 70 Proof Hy-Grade Rubbing Alcohol Compound", at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about January 16, 1936, by Pennex Products Co., Inc., from Pittsburgh, Pa., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "Rubbing Alcohol Compound", was false and misleading in that it created the impression that the article contained ordinary (ethyl) alcohol, and such impression was not corrected by the relatively inconspicuous statement, "The contents herein contained is prepared from Isopropyl Alcohol ($CH_3CHOHCH_3$). This preparation does not contain Ethyl Alcohol. If taken internally will cause violent gastric disturbances." The article was alleged to be misbranded further in that the package failed to bear upon its label a statement of the quantity or proportion of isopropyl alcohol contained therein, since the statement "Isopropyl Alcohol 70 Proof" was meaningless.

On April 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26173. Adulteration and misbranding of rubbing alcohol compound. U. S. v. 573 Bottles of Rubbing Alcohol Compound, and another libel proceeding against the same article. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 37264, 37265. Sample nos. 51452–B, 51453–B.)

This article failed to conform to its professed standard; its label bore erroneous statements concerning its composition, and the quantity or proportion of its alcoholic content was not declared.

On or about February 28, 1936, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 573 and 501 bottles, respectively, of rubbing alcohol compound at Baltimore, Md., alleging, in the libel involving the 573 bottles, that the article had been shipped in interstate commerce on or about January 13, 1936, and in the libel involving the 501 bottles, that the article had been shipped in interstate commerce on or about January 11, 1936, by Bradley's, Inc., and the Bradley Co., respectively, from Philadelphia, Pa., to Baltimore, Md., and charging, in each libel, adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Shipment made on or about January 13, 1936, bottle) "Rubbing Alcohol Compound * * * Bradley Laboratory Philadelphia"; (shipment made on or about January 11, 1936, bottle) "Rubbing Alcohol Compound * * * Bradley Laboratory Philadelphia."

Analysis showed that the article shipped on or about January 13, 1936, consisted essentially of isopropyl alcohol (21.7 percent), acetone (9.5 percent), and water, perfumed; and that the one shipped on or about January 11, 1936, consisted essentially of a mixture of isopropyl alcohol (26.9 percent), acetone (13.5 percent), and water, perfumed.

Adulteration of the article in the shipment made on or about January 13, 1936, was charged under the allegation that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Rubbing Alcohol", in that it did not contain ordinary (ethyl) alcohol, and that it consisted of a mixture of isopropyl alcohol, acetone, and water.

Misbranding of the article in the shipment made on or about January 13, 1936, was charged (a) under the allegation that the label bore the statement "Rubbing Alcohol Compound", and that said statement was false and mislead-

ing in that the article did not consist of ordinary (ethyl) alcohol, and that it was a mixture of isopropyl alcohol, acetone, and water; (b) under the allegations that the package failed to bear upon its label a statement of the quantity or proportion of isopropyl alcohol contained therein, and that the expression on the label "Isopropyl Alcohol 70 Proof" was meaningless.

Adulteration of the article in the shipment made on or about January 11, 1936, was charged under the allegation that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Rubbing Alcohol Compound * * * 35% Isopropyl Alcohol", in that the article did not contain ordinary (ethyl) alcohol and did not contain 35 percent isopropyl alcohol but that it consisted of a mixture of 26.9 percent isopropyl alcohol, acetone, and water.

Misbranding of the article in the shipment made on or about January 11, 1936, was charged (a) under the allegation that the article bore the statement "Rubbing Alcohol Compound", and that said statement was false and misleading in that the article did not consist of ordinary (ethyl) alcohol and that it was a mixture of isopropyl alcohol, acetone, and water; and (b) under the allegation that the package failed to bear upon its label a statement of the quantity or proportion of isopropyl alcohol contained therein, and that the article did not contain 35 percent isopropyl alcohol, but that it did contain 26.9 percent of isopropyl alcohol.

On April 3, 1936, no claimant having appeared in either case, a default decree of condemnation, forfeiture, and destruction was entered in each.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26174. Adulteration and misbranding of Alco-Sponge-Rub Alcohol and Dr. Ward's Rubbing Alcohol. U. S. v. 764 Bottles of Alco-Sponge-Rub Alcohol and Dr. Ward's Rubbing Alcohol. Default decree of condemnation and destruction. (F. & D. no. 37274. Sample nos. 61020–B, 61021–B.

This case involved an interstate shipment of an article a portion of which was labeled "Alco-Sponge-Rub Alcohol", the remainder of which was labeled "Dr. Ward's Rubbing Alcohol", and which did not contain any ordinary (ethyl) alcohol.

On March 3, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 764 bottles of an article at Hartford, Conn., a portion thereof labeled "Alco-Sponge-Rub Alcohol * * * Wilshire Corp., New York", and the remaining portion thereof labeled "Dr. Ward's Rubbing Alcohol * * * Bond Laboratories New York", alleging that it had been shipped in interstate commerce on or about February 1, 1936, by the Rex Merchandise Corporation of America from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Alcohol", since the article did not consist of ordinary (ethyl) alcohol, but consisted of a mixture of isopropyl alcohol, acetone, and water.

The article was alleged to be misbranded in that the statement on the label of a portion of the bottles, "Alco-Sponge-Rub Alcohol", and the statement on the remainder of the bottles, "Dr. Ward's Rubbing Alcohol * * * Customary External Uses of Alcohol", were false and misleading, since the article did not consist of ordinary (ethyl) alcohol, but a mixture of isopropyl alcohol, acetone, and water. The article was alleged to be misbranded further in that the packages failed to bear on their labels a statement of the quantity or proportion of isopropyl alcohol contained therein, since the expression "70 Proof Isopropyl Alcohol" on a portion of the bottles, and the statement "70 Proof Isopropyl" on the remainder of the bottles, were meaningless.

On May 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26175. Adulteration and misbranding of pituitary solution. U. S. v. Fifty-three 1-cc Ampoules of "Pituitary Solution, U. S. P." and Seventy-five 1-cc Ampoules of "Pituitary Solution." Default decrees of condemnation and destruction. (F. & D. nos. 37328, 37569. Sample nos. 34635–B, 59423–B.)

These cases involved interstate shipments of articles described as "Pituitary Solution U. S. P." and "Pituitary Solution", which had a potency less than the

minimum potency prescribed for pituitary solution in the United States Pharmacopoeia.

The United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court on March 5, 1936, a libel praying seizure and condemnation of fifty-three 1-cc ampoules of an article labeled "Pituitary Solution U. S. P.", and on April 8, 1936, a libel praying seizure and condemnation of seventy-five 1-cc ampoules of an article labeled "Pituitary Solution" at Los Angeles, Calif., alleging that the articles had been shipped in interstate commerce on or about November 26, 1935, and February 20, 1936, by the Intra Products Co., from Denver, Colo., and that they were adulterated and misbranded in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that they were sold under a name recognized in the United States Pharmacopoeia, namely, "Pituitary Solution", and they differed from the standard of strength as determined by the test laid down in said pharmacopoeia.

The article was alleged to be misbranded in that the statement, "Pituitary Solution U. S. P." on the label of the article in one case, and the statement, "Pituitary Solution" on the label of the article in the other case, was false and misleading.

On April 8 and May 8, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 26106–26175

[1] Contains a ruling of the court.

U. S. GOVERNMENT PRINTING OFFICE: 1937

N. J., F. D. 26176–26300 Issued March 1937

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

26176–26300

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 16, 1937]

26176. Adulteration of canned mackerel. U. S. v. Southern California Fish Corporation. Plea of guilty. Fine, $100. (F. & D. no. 34085. Sample nos. 11461–B, 17577–B.)

This case involved canned mackerel that was in part decomposed.

On August 12, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Southern California Fish Corporation, Terminal Island, Los Angeles, Calif., alleging shipment by said company on or about August 29, 1934, from the State of California into the States of Alabama and New Jersey of quantities of canned mackerel which was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Sunset Brand California Mackerel * * * Packed by Southern California Fish Corporation, Los Angeles Harbor, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 21, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26177. Adulteration of butter. U. S. v. Ray Hartman (Potomac Valley Creamery). Plea of guilty. Fine, $10. (F. & D. no. 34088. Sample no. 27506–B.)

This case involved butter that was deficient in milk fat.

On July 24, 1935, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ray Hartman, trading as Potomac Valley Creamery, Franklin, W. Va., alleging that on or about December 11, 1934, the defendant shipped from the State of West Virginia, into the State of Maryland, a quantity of butter which was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product deficient in milk fat because it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, which the article purported to be.

On July 10, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $10.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26178. Adulteration and misbranding of honey. U. S. v. 19⅔ Cases of Honey. Tried to a jury. Verdict for the Government. Decree of condemnation. Product turned over to a charitable institution. (F. & D. no. 35461. Sample no. 24200–B.)

This case involved honey that contained commercial invert sugar.

On May 4, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19⅔ cases of honey at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 25, 1935, by the Silver Label Products Co., from

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Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Relco Brand Pure Honey Quality Pack."

The article was alleged to be adulterated in that honey containing commercial invert sugar had been substituted for pure honey, which the article purported to be.

The article was alleged to be misbranded in that the statement on the label, "Pure Honey Quality Pack", was false and misleading and tended to deceive and mislead the purchaser when applied to honey containing commercial invert sugar; and in that it was offered for sale under the distinctive name of another article, namely, "pure honey."

On June 5, 1935, the Silver Label Products Co., claimant, filed an answer to the libel denying that the article was adulterated or misbranded. On November 7, 1935, the case came on for trial before a jury. On November 8 the trial was concluded and the court submitted the case to the jury with the following instructions:

KIRKPATRICK, *Judge:* Members of the jury: This suit is what is known as a libel for the forfeiture of certain property under the Food and Drugs Act.

That act says—I am going to omit all the parts that have not anything to do with this case—but that act says any article of food that is adulterated or misbranded shall be liable to be seized for confiscation, and proceeding under that Act the Government seized nineteen and two-thirds cases of this food product which was labeled "Pure Honey."

There is only one question for you to decide in this case, it is very simple, keep everything else out of your minds. That question is: Was this article, which has been seized and is before you now, adulterated or misbranded?

The act defines what is meant by adulterated. It says, in the case of food, if any substance has been mixed with the food product so as to reduce its quality or strength, or if any substance has been substituted wholly or in part with the food product or if any valuable constituent of the article has been wholly or in part abstracted. In other words, you can see what counsel have agreed upon as the fact, namely, that it is not a question of whether the thing has been made harmful or poisonous or deleterious. It is simply a question of whether it is what it purports to be. A man could with perfect freedom sell a product that was composed of a compound of one-fifth honey and four-fifths of sugar syrup, if he so stated it on his label. The act goes on to say that any article shall be deemed to be misbranded if the package containing it shall be false in any particular. The Government says that this article is adulterated, because it contains approximately four-fifths of sugar syrup, or what is known as commercial invert sugar, and that it is misbranded because it is branded "Pure Honey", when as a matter of fact it is not pure honey.

That is all you have to determine. You do not need to bother about how it got there or why it is there, what the effect of this case would be on anybody's business or its effect would be on the Government or the community. Just confine yourselves to one simple question of fact. Ask yourselves, are you satisfied from the evidence you have heard here that the articles which have been seized and produced here in court do not contain an appreciable quantity of commercial invert sugar, because that is the only thing the Government says is there. That is what the Government alleges is there, except a small quantity of tartaric acid, which would have to be used, according to the evidence, in making commercial invert sugar, but that is not a question for you to determine.

The burden is on the Government to satisfy you by the weight of evidence that it is correct. If you are so satisfied, you will find, counsel having agreed as to the form of the verdict, a general verdict in favor of the libellant, which is the same as the plaintiff, but the Government is the libellant here, because it has filed a libel. If you are not so satisfied, then you will find a verdict in favor of the defendant.

Now, we must all recognize that this is a matter which must depend upon scientific testimony, and we have to get experts to tell us how to test the honey and see whether or not it is pure honey. We have not conducted tests here in court, because we do not know how it ought to be done and we do not know how to do it, and if those tests were conducted here in our presence, they would not tell us very much because we haven't the scientific knowledge to interpret them. The Government took samples of the product and they subjected them to certain tests, and we have the testimony of Dr. Lothrop and Dr. Osborn who testified with all the degree of certainty which a witness in

such a situation can have that in their opinion there is present in large quantities in these samples that substance known as commercial invert sugar. The defendant produced a witness who testified that in his opinion, as a result of certain tests that he made on what are admitted to be samples, the same as the Government samples—that in his opinion it does not contain the commercial invert sugar, and the defendants have appeared personally and testified as to the process of manufacture and have denied that they put anything into the composition other than pure honey, which they obtained from various sources. Now, you have got to weigh that testimony and ask yourselves which side has convinced you. In other words, you have to ask yourselves whether the Government has convinced you by the weight of the evidence that that foreign substance is present.

We get a rather peculiar situation here. If the Government chemists—let us put it this way: If there is nothing in that sample other than pure honey, then these two gentlemen from the Department of Agriculture must be either deliberately lying to you or else they must be utterly incompetent and know nothing about their business, because no competent man could come here and testify as they have testified and be mistaken. You would have to come to one of those two conclusions. Now, do you think it is likely? These gentlemen so far as the evidence has disclosed here have no interest in the case. Do you think it is likely that they would either be deliberately falsifying or that they know so little about their business that they would undertake to come here and testify as they have testified without any real knowledge or without any real demonstration along scientific lines? Of course, you have to ask yourselves virtually the same thing about the defendant's witnesses. You must compare the experience of these men, you must compare the technic which they used to make their investigations and you must consider what is the weight of the evidence, and then if the Government has convinced you by the weight of the evidence that the substance in question is present, you will find a verdict in favor of the libellant.

Let us examine for just a moment the question of these tests. We can't very well say, "Oh, well, they are all scientific matters, we don't understand a thing about them and we will have to guess at them", because the Government's witnesses and the defendant's witnesses both have fully explained to you what was done.

The Government used four tests in the case of this substance and they started in—we will say started in, because I don't know which one they started with, but let us take the ash test. They burnt this alleged honey—you will see it there on the chart—and they found, after they burnt it, the residue that was left was very much less than in an average American honey, that having been established by their chemistry, apparently. In other words, there were 25 parts left over in ash as compared with 180 of the same units, of what they would ordinarily expect if it was pure honey, according to the evidence. They say that indicates from its contents a large quantity of something which is not honey, because pure honey is not as combustible as some other things, and if you burn honey up you will get 180 units left in ash which won't burn or will burn—I don't know which way that works out, and then you have so much left. So, if you start out with this test, there would be a large quantity of something which is not honey, and then you ask yourselves, "What's this?" Then they started with the color tests, and they got a red color in both of the tests. It may be that those tests are not conclusive. Their own manual says if honey has been heated to over 160°, it is possible that you will get that red color without the presence of commercial invert sugar. You will remember that the defendant's testimony is that they did heat this honey and heated it to a very high degree; in fact, they referred to it as boiling it, whatever that may mean, and in that way they account for the possibility that the Government may have gotten a red color, because they said they boiled it. You will remember and give full weight to the testimony of Mr. Tuber, who testified to exactly what their process was; how they took two-thirds of the native honey and one-third of the foreign honey and subjected it to 180° F. and kept it there for a time, and then poured it hot into the bottles and then cooled it. You will remember what the Government witnesses say about that. In the first place, they say that if that might be done you might get a red color, but that if you did that, if you did what the defendants say they did, the stuff wouldn't look like honey, it wouldn't taste like honey, it could not be sold and it would not be fit for consumption in all probability. Dr. Osborn, you will remember, actually did try to raise that honey to a very high degree of heat,

and he kept some of it at 158° for 18 hours and he didn't get any red color. Some of it he heated to 212° for 2 hours and he didn't get any red color, and in order to get a red color, he had to heat the honey to 212° and keep it at that heat for 18 hours, and then he said he did get a red color, but it wasn't honey and it would not be fit for sale.

It is a question of fact, and you must decide it between the two. You will remember that in all other questions the burden is upon the Government.

Now, that test was made and they found the presence of some foreign substance that indicated, in their opinion, that it was commercial invert sugar, and then they put it through two more tests, and one of them was by polarization, and that is a very technical matter. The rays of light when they are sent into the product will get a twist in one direction or you will get a twist in another direction. It is something that cannot easily be demonstrated, and they say that these twists of light indicate the presence of commercial invert sugar.

The last test was to find out whether there was anything else in there, and through an elaborate chemical process, they found the presence of a certain. definite quantity of tartaric acid, and they say that fits in with the whole theory, because tartaric acid is used to make commercial invert sugar. Now, I asked one of the witnesses why commercial invert sugar was used instead of ordinary cane sugar, and the answer was because it is a much more satisfactory adulterant to use, because it is harder to detect. These tests, at least it seemed to me, were not extremely simple tests, but they took quite some time and quite some scientific knowledge and skill, but that is no reason why they should be rejected. The only thing is whether you believe those substances were there, whether they have convinced you by the weight of the evidence that commercial invert sugar is present in real large quantities. If you so find, you will find in favor of the libellant. If you do not so find, you will find in favor of the defendant. That is all there is to the case. You can put everything else connected with it out of your minds.

Mr. KEOUGH: May I ask for an exception to that part of your honor's charge where you said that were the jury to find that either of these men were deliberately lying or were incompetent—

THE COURT: The Government's?

Mr. KEOUGH: Yes. It does seem to me that there is a wider latitude than that.

THE COURT: What else could they find?

Mr. KEOUGH: Well, as to how far their conclusions may be based upon convincing scientific evidence—

THE COURT: Members of the jury, you must use your judgment about that. If you can find for the defendant and still find that these Government witnesses are truthful, competent, and skillful, maybe you can do it—I couldn't do it.

(Exception noted for defendant by direction of the court.)

Mr. KEOUGH: Also the test described by Dr. Osborn, as I remember, in his test he did not include any Puerto Rican honey.

THE COURT: That is right. I have not attempted to give you every fact. It is your recollection of these facts that governs the case. If I have stated anything different from what you remember, you will take your own recollection.

The jury returned a verdict for the Government. On July 9, 1935, the court having denied a motion for a new trial, judgment of condemnation was entered and it was ordered that the wrappers and labels be removed from the article and that it be turned over to some charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26179. Adulteration and misbranding of dairy feed. U. S. v. El Reno Mill & Elevator Co., a corporation. Plea of nolo contendere. Fine, $20 and costs. (F. & D. no. 36050. Sample no. 10156-B.)

This case involved dairy feed that showed a marked excess of crude fiber, a deficiency in nitrogen-free extract, and a wide variation in the composition of the product from that declared on the label.

On November 25, 1935, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the El Reno Mill & Elevator Co., a corporation, trading at El Reno, Okla., alleging that on or about May 14, 1935, the defendant company shipped from the State of Oklahoma into the State of Texas a number of sacks of dairy feed, which was adulterated and

misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Home Town 21% Protein Dairy Feed with Limestone * * * Manufactured by El Reno Mill & Elevator Company El Reno, Oklahoma."

The article was alleged to be adulterated in that a product containing more than 10 percent of crude fiber and less than 44 percent of nitrogen-free extract, containing undeclared alfalfa meal, soybean oil meal, and corn gluten meal, and not containing declared yellow corn meal, corn gluten feed, and dried beet pulp, had been substituted for the article.

The article was alleged to be misbranded in that the statements "Guaranteed Analysis * * * Crude Fiber not more than 10.00 Per Cent, * * * Nitrogen-Free Extract not less than 44.00 Per Cent" and "Composed of wheat bran, 43% protein cottonseed meal, yellow corn meal, ground whole oats, ground whole barley, dried beet pulp, corn gluten feed, 34% protein linseed meal, ¾% salt, 2% ground limestone", borne on the tags attached to the sacks containing the article, were false and misleading and in that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statement represented that the article contained not more than 10 percent of crude fiber and not less than 44 percent of nitrogen-free extract and was composed solely of the ingredients declared on the tag; whereas it contained more than 10 percent of crude fiber and less than 44 percent of nitrogen-free extract and was not composed of the ingredients declared since it did not contain yellow corn meal, corn gluten feed, or dried beet pulp, which were declared on the tag, and did contain alfalfa meal, soybean oil meal, and corn gluten meal which were not declared.

On September 17, 1936, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of $20 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26180. Adulteration of tomato paste. U. S. v. 249 Cases of Tomato Paste. Decree of condemnation and destruction. (F. & D. no. 36131. Sample no. 26888–B.)

This case involved tomato paste that contained filth resulting from worm infestation.

On or about August 14, 1935, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 249 cases of tomato paste at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about July 20, 1935, by the Howard Terminal, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "G. F. & D. Brand Tomato Paste with Basil * * * Packed Expressly for Galanidis, Forchas and Dourus, Inc., Norfolk, Virginia."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 15, 1936, the Manteca Canning Co., having filed an answer to the libel, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26181. Misbranding of canned tomatoes. U. S. v. 97 Cases and 362 Cases of Canned Tomatoes. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 36130, 36184. Sample nos. 27449–B, 49001–B.)

These cases involved canned tomatoes that fell below the standard established by this Department and that were not labeled to indicate that they were substandard.

On August 18 and August 21, 1936, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 97 cases of canned tomatoes at Wichita, Kans., and 362 cases of canned tomatoes at Arkansas City, Kans., alleging that the article had been shipped in interstate commerce in part on or about January 28, 1935, by Tyrrell & Garth from Highlands, Tex., and in part on or about June 24, 1935, by A. A. Laughlin from Los Fresnos, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pan-Tree Brand Tomatoes, * * * Distributed by the Ranney Davis Mercantile Co. * * * Wichita, Kansas."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because it did not consist of whole or large pieces and a portion thereof was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On September 28, 1936, the Ranney-Davis Mercantile Co., Wichita, Kans., having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26182. Adulteration and misbranding of tomato paste. U. S. v. 725 Cases of Tomato Paste, and other cases. Default decrees of condemnation and destruction. (F. & D. nos. 36252, 36346, 36347, 36348, 36349, 36350, 36351, 36352, 36353, 36354, 36355, 36356. Sample no. 15540-B.)

These cases involved interstate shipments of tomato paste that contained worm debris, and the label of which bore deceptive and misleading representations that the article contained sweet basil.

The United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court on August 30, 1935, a libel, and on September 19, 1935, 11 libels, praying seizure and condemnation of tomato paste in the quantities and at the places, respectively, as follows: 725 cases, 160 cases, 100 cases, and 25 cases, at Youngstown, Ohio; 100 cases, 25 cases, 30 cases, 25 cases, and 30 cases, at Cleveland, Ohio; 100 cases and 25 cases at Akron, Ohio; and 100 cases at Canton, Ohio. It was alleged in the libels that the article had been shipped in interstate commerce on or about June 27, 1935, by the Uddo-Taormina Corporation, from Los Angeles, Calif., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article, contained in cans, was labeled in part: "Fancy California Tomato Paste With Sweet Basilico Giardiniera Brand Qualita Finissima Salsa di Pomidoro Prepared from fresh ripe tomatoes, harmless color and sweet basil Packed by La Sierra Heights Canning Co. Los Angeles, Calif. Net Weight 6 Ozs. Avd."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

The article was alleged to be misbranded in that the statements on the label, "With Sweet Basilico" and "Prepared from * * * and sweet basil", were false and misleading and tended to deceive and mislead the purchaser, since the product contained no sweet basil.

On May 23, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26183. Adulteration of apples. U. S. v. 50 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 36494. Sample no. 32709-B.)

This case involved apples that contained added poisonous ingredients, arsenic and lead.

On September 11, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 bushels of apples at Dodge City, Kans., alleging that the article had been shipped in interstate commerce on or about September 5, 1935, by R. J. Dunn, from Rodgers, Ark., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On April 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26184. Adulteration of apples. U. S. v. 58 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 36495. Sample no. 32710-B).

This case involved apples that contained added poisonous ingredients, arsenic and lead.

On September 11, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court

a libel praying seizure and condemnation of 58 bushels of apples at Great Bend, Kans., alleging that the article had been shipped in interstate commerce on or about September 5, 1935, by W. E. Simon, from Pea Ridge, Ark., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On April 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26185. Adulteration of apples. U. S. v. 120 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 36499. Sample no. 39103–B.)

This case involved apples that contained added poisonous ingredients, arsenic and lead.

On or about September 11, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 bushels of Golden Delicious apples at Liberal, Kans., consigned by H. L. Wright, alleging that the article had been shipped in interstate commerce on or about September 2, 1935, from Farmington, Ark., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it harmful to health.

On April 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26186. Adulteration of apples. U. S. v. 95 Bushels of Jonathan Apples. Decree of condemnation. Product released under bond to be washed. (F. & D. no. 36518. Sample no. 32570–B.)

This case involved apples that contained added poisonous ingredients, arsenic and lead.

On or about September 12, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 95 bushels of Jonathan apples at Dodge City, Kans., alleging that the article had been shipped in interstate commerce on or about September 5, 1935, by Sam De Luca from Rodgers, Ark., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On April 22, 1936, the Grovier Starr Product Co., Dodge City, Kans., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be washed in order to remove the deleterious ingredients.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26187. Misbranding of wine. U. S. v. 9 Cases of Muscatel Wine, et al. Default decree of condemnation and destruction. (F. & D. no. 36702. Sample nos. 51138–B, 51139–B, 51140–B.)

This case involved products that were represented to be muscatel, sherry, and port wines produced in California. Investigation showed that they were wines produced in New York. Analysis showed that they contained less alcohol than muscatel, sherry, and port wines should contain. The sherry and port failed to bear a proper declaration of the quantity of the contents.

On December 5, 1935, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of wines at Richmond, Va., alleging that the articles had been shipped in interstate commerce on or about November 15, 1935, by the National Wholesale Liquor Co., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were variously labeled in part: "Gold Label California Muscatel [or "Valley Brand California Sherry" or "Valley Brand California Port"] Wine Bottled by National Wholesale Liquor Co., Baltimore, Md." The sherry and port were further labeled: "Contents 22 Oz."

The articles were alleged to be misbranded in that the word "California" in the names was false and misleading and tended to deceive and mislead the purchaser when applied to products of the State of New York; and in that the names "Muscatel", "Sherry", or "Port" were false and misleading and tended to deceive and mislead the purchaser when applied to wines containing less than 14 percent of alcohol by volume. The sherry and port wines were alleged to be further misbranded in that they were foods in package form and failed to bear a plain and conspicuous statement of the quantity of contents on the outside of the package, since the statement "22 Oz." was ambiguous.

On August 27, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26188. Misbranding of canned peas. U. S. v. 69 Cases of Canned Peas. Decree of condemnation and destruction. (F. & D. no. 36850. Sample no. 52034–B.)

This case involved an interstate shipment of canned peas that fell below the standard established by the Department of Agriculture because of the presence of an excessive number of mature peas, and that were not labeled to indicate that they were substandard.

On January 6, 1936, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 cases of canned peas at Wheeling, W. Va., alleging that the article had been shipped in interstate commerce on or about July 24, 1935, by D. E. Foote & Co., from Baltimore, Md., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Foote's Best Brand Early June Peas Contents 1 Lb. 4 Ozs. * * * Packed by D. E. Foote & Co., Incorporated Baltimore, Md."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, by reason of the presence of an excessive number of mature peas in each can, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On May 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26189. Misbranding of canned tomatoes. U. S. v. 998 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 36901. Sample no. 41331–B.)

This case involved an interstate shipment of canned tomatoes that fell below the standard established by the Department of Agriculture because the tomatoes were not normally colored, and that were not labeled to indicate that they were substandard.

On December 30, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 998 cases of canned tomatoes at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 12, 1935, by F. M. Hart & Co., Inc., from Seymour, Mo., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled: "Hartco Brand Hand Picked Tomatoes, Contents 1 Lb. 3 Oz. Packed by F. M. Hart & Co., Inc., Seymour, Mo."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because the tomatoes were not normally colored, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On May 4, 1936, F. M. Hart & Co., Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and the product was released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26190. Adulteration of apple butter. U. S. v. 600 Cases, 33 Pails, and 15 Cases of Apple Butter. Default decrees of condemnation and destruction. (F. & D. nos. 36924, 36925, 37214. Sample nos. 39363–B, 39368–B, 48060–B.)

These cases involved interstate shipments of apple butter that was found to contain excessive arsenic and lead.

The United States attorney for the Eastern District of Wisconsin, acting upon reports by the Secretary of Agriculture, filed in the district court on January 9, 1936, two libels, and on February 17, 1936, one libel, praying seizure and condemnation of 600 cases, 33 pails, and 15 cases of apple butter at Milwaukee, Wis. alleging that the product had been shipped in interstate commerce on or about August 29 and 31 and October 18, 1935, and January 9, 1936, by the D. B. Scully Syrup Co., from Chicago, Ill., and that it was adulterated in violation of the Food and Drugs Act. The article in the lot of 600 cases, contained in jars, was labeled in part: "Silver Buckle Brand Pure Apple Butter Net Wt. 14 Ozs. Distributed by E. R. Godfrey & Sons Co. Milwaukee, Wis." The article in the lot of 33 pails was labeled in part: (Tops) "30 Lb. when packed Pure Apple Butter", (sides) "Bright Spot Pure Apple Butter Distributed by O. R. Pieper Co. Milwaukee, Wis." The article in the lot of 15 cases, contained in cans, was labeled in part: "Bright Spot Brand Pure Apple Butter. Weight of Contents 7 Lbs. 5 Oz. Packed for O. R. Pieper Co. Milwaukee, Wis."

The article in each of the three lots was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered the article injurious to health.

On April 28, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26191. Adulteration and misbranding of olive oil. U. S. v. Edilio Penna (E. Penna). Plea of guilty. Fine, $50. (F. & D. no. 36945. Sample no. 35284–B.)

This case involved olive oil that consisted mainly of corn oil or an oil similar thereto, probably flavored with olive oil, and which contained undeclared artificial coloring substances among them a nonpermitted coal-tar color.

On May 8, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Edilio Penna, trading as E. Penna, New York, N. Y., alleging that on or about June 24, 1935, the defendant shipped from the State of New York into the State of Ohio a quantity of olive oil that was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Pure Olive Oil El Toro * * * Packed in Spain by Hijos De Ybarra."

The article was alleged to be adulterated in that a product consisting mainly of corn oil or an oil other than olive oil, and containing added undeclared artificial coloring matter and an added undeclared nonpermitted dye, had been substituted for pure olive oil imported from Spain, which the article purported solely to be.

The article was alleged to be misbranded in that the statements, "Pure Olive Oil El Toro, * * * Packed in Spain by Hijos Ybarra", together with the design of a head of a bull and design of olive branches bearing olives, borne on the cans were false and misleading and tended to deceive and mislead the purchaser into the belief that the article was pure olive oil packed in Spain by Hijos Ybarra; whereas it was not pure olive oil; in that the article was an imitation of another article, namely, olive oil, which it purported to be; and in that it was offered for sale under the distinctive name of another article, olive oil.

On September 9, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26192. Misbranding of candy. U. S. v. Curtiss Candy Co., a corporation. Plea of guilty. Fine, $50. (F. & D. no. 36951. Sample nos. 31890–B, 31891–B, 34102–B, 34103–B, 34105–B.)

This case involved shipments of candy that were short in weight.

On February 14, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against the Curtiss Candy Co., a corporation, at Chicago, Ill., alleging that on or about March 12 and September 7, 1935, the defendant company shipped from the State of Illinois, into the States of Michigan and Indiana, respectively, quantities of candy that was misbranded in violation of the Food and Drugs Act as amended.

The articles were variously labeled in part: "Curtiss Candy Company * * * Curtiss Baby Ruth 1½ Oz. Net Weight"; "Butter Finger * * * Net Weight 1⅓ Oz."; "Butter Finger 1½ Oz. Net Weight."

The articles were alleged to be misbranded in that the statements borne on the labels, "1½ Oz. Net Wt." and "Net Weight 1⅓ Oz.", were false and misleading and tended to deceive and mislead the purchaser since the products weighed less than the amounts indicated on the respective labels; and in that they were foods in package form and the quantities of contents were not plainly and conspicuously marked on the outside of the packages, since the quantities were less than the amounts indicated on the labels.

On June 30, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26193. Adulteration of canned salmon. U. S. v. San Juan Fishing & Packing Co. Plea of guilty. Fine, $25 and costs. (F. & D. no. 37002. Sample nos. 53695–B, 54495–B.)

This case involved a shipment of canned salmon that was in part decomposed and putrid.

On May 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the San Juan Fishing & Packing Co., a corporation, at Seattle, Wash., alleging that on or about July 23, 1935, the defendant had shipped from Port San Juan, Alaska, to Seattle, Wash., a quantity of canned salmon that was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On September 21, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26194. Adulteration of butter. U. S. v. Benjamin Franklin Huggins (Huggins Dairy). Plea of guilty. Fine, $25. (F. & D. no. 37009. Sample no. 40871–B.)

This case involved butter that was deficient in milk fat.

On June 24, 1936, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Benjamin Franklin Huggins, trading as Huggins Dairy, Lewiston, Idaho, alleging that on or about December 16, 1935, the defendant shipped from Lewiston, Idaho, into the State of Washington, a quantity of butter which was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as defined by act of Congress, which the article purported to be.

On July 9, 1936, a plea of guilty was entered by the defendant and the court imposed a fine of $25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26195. Adulteration of canned salmon. U. S. v. Peril Straits Packing Co. Plea of guilty. Fine, $25 and costs. (F. & D. no. 37013. Sample nos. 53692–B, 54492–B.)

This case involved canned salmon that was in part decomposed.

On May 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Peril Straits Packing Co., a corporation, at Seattle, Wash., alleging that on or about August 14, 1935, the defendant had shipped from Alaska into the State of Washington a number of unlabeled cans of salmon, and that the article was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On September 21, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26196. Adulteration and misbranding of preserves. U. S. v. Ile De France Import Co. Plea of guilty. Fine, $500. (F. & D. no. 37032. Sample nos. 44109–B, 44110–B, 44116–B, 44117–B, 44118–B, 44119–B, 44122–B, 44123–B, 44124–B, 44125–B, 44130–B, 44131–B, 44132–B, 44133–B.)

This case involved preserves that were deficient in fruit and contained added sugar and pectin.

On July 2, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ile De France Import Co., a corporation, Brooklyn, N. Y., alleging shipment by said company on or about September 25, October 5, October 8, November 7, and November 15, 1935, from the State of New York into the States of Rhode Island and Massachusetts of quantities of preserves that were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled in part: "Paramount Brand Pure Strawberry [or "Raspberry"] Preserves. Ile De France Import Co. N. Y."

The articles were alleged to be adulterated in that excess sugar, excess water, and added pectin had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality; in that mixtures of fruit (strawberry or raspberry), sugar, pectin, and water, containing less fruit than preserves should contain, had been substituted for strawberry and raspberry preserves, which the articles purported to be; and in that excess sugar, excess water, and added pectin had been mixed with deficient amounts of fruit in a manner whereby the inferiority of the articles to strawberry and raspberry preserves was concealed.

The articles were alleged to be misbranded in that the statement "Pure Strawberry Preserves" and "Pure Raspberry Preserves", borne on the jars, were false and misleading in that they represented that the articles were strawberry and raspberry preserves, respectively; whereas they were not strawberry and raspberry preserves but were products containing excess sugar, excess water, and added pectin and were deficient in fruit; in that said statements were borne on the jars so as to deceive and mislead the purchaser; and in that the articles were imitations of and were offered for sale under the distinctive names of other articles, namely, strawberry and raspberry preserves.

On September 8, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $500.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26197. Misbranding of Roquefort Spread. U. S. v. The Borden Sales Co., Inc. Plea of guilty. Fine, $125. (F. & D. no. 37053. Sample nos. 50299–B, 50610–B.)

This case involved Roquefort Spread that was short in weight.

On July 28, 1936, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Borden Sales Co., Inc., at Antwerp, N. Y., alleging that on or about November 28, 1935, the defendant had shipped from the State of New York into the State of New Jersey, a quantity of Roquefort Spread which was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "5 Ozs. Net Borden's * * * Roquefort Spread Pasteurized Process Cheese The Borden Sales Company, Inc., New York—Chicago—San Francisco Distributors."

The article was alleged to be misbranded in that the statement "5 Ozs. Net", borne on the jars, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the jars contained less than 5 ounces net of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 28, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $125.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26198. Adulteration and misbranding of coffee. U. S. v. 17 Drums of Coffee. Decree of condemnation and destruction. (F. & D. no. 37169. Sample no. 62259–B.)

This case involved an interstate shipment of coffee that contained added coffee chaff.

On February 7, 1936, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 drums of coffee at Vicksburg, Miss., alleging that the article had been shipped in interstate commerce on or about January 3, 1936, by the Dannemiller Coffee Co., from New Orleans, La., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled: "25 Lbs. Net Weight Extra 100% Pure Ground Coffee P. P. Williams Co. Vicksburg, Miss."

The article was alleged to be adulterated in that coffee chaff had been mixed and packed with, and substituted in part for, the article so as to reduce, lower, or injuriously affect its quality or strength.

The article was alleged to be misbranded in that the statement on the label, "100% Pure Ground Coffee", was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since the article was not pure ground coffee. The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article.

On April 30, 1936, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26199. Adulteration of dried peaches. U. S. v. 550 Cases of Dried Peaches. Consent decree of condemnation. Product released under bond for reconditioning. (F. & D. no. 37170. Sample no. 46251–B.)

This case involved an interstate shipment of dried peaches that were infested with insects and that were dirty.

On February 7, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 550 cases of dried peaches at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about December 31, 1935, by Libby, McNeill & Libby, from San Francisco, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "55018 Portsmouth Prepared with sulphur dioxid 25 Lbs Net Extra Choice Cling Peaches Packed for The Gilbert Gro Co., Portsmouth Ohio."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 3, 1936, Libby, McNeill & Libby, claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the article be released under bond conditioned that it be reconditioned under the supervision of the Department of Agriculture.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26200. Adulteration and misbranding of whisky. U. S. v. 10 Cases, et al., of Whisky. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37188. Sample nos. 67429–B to 67435–B, incl.)

This case involved a product sold as whisky which was found to consist of imitation whisky. Certain portions were short in volume.

On February 13, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 cases of whisky at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about January 7 and January 15, 1936, by National Wholesale Liquor Co., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Portions of the article were variously labeled in part: "Mountain Whiskey [or "Mascot Whiskey", "Seaboard Whiskey", or "Gem Whiskey"] Bottled by National Wholesale Liquor Co., Baltimore, Md." The remainder was labeled in part: "Seaboard Whiskey Bottled for Seaboard Distillers Products, Baltimore, Md." Certain lots were further labeled: "One Pint" or "1 Pint."

The article was alleged to be adulterated in that imitation whisky had been substituted for the article.

The article was alleged to be misbranded in that the name "Whiskey" borne on the labels was false and misleading and tended to deceive and mislead the purchaser when applied to imitation whisky; and in that it was an imitation of, and offered for sale under the distinctive name of another article. A portion of the article was alleged to be misbranded for the further reason that the statement on the label, "One Pint" or "1 Pint", was false and misleading and tended to deceive and mislead the purchaser when applied to a product in bottles containing less than 1 pint; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On August 7, 1936, the National Wholesale Liquor Co. having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26201. Adulteration and misbranding of assorted preserves. U. S. v. 15 Cases of Assorted Preserves. Default decree of forfeiture and destruction. (F. & D. no. 37191. Sample no. 19094–B.)

This case involved assorted preserves that were deficient in fruit and contained added glucose and water.

On February 13, 1936, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of assorted preserves at East St. Louis, Ill., alleging that the article had been shipped in interstate commerce on or about December 31, 1935, by G. & H. Products, Inc., from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Hi-Stile Brand Pure Preserves Packed by Hemple Mfg. Co., St. Louis, Mo."

The articles were alleged to be adulterated in that added glucose and water had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality; in that glucose and water had been substituted in part for preserves, which the articles purported to be; and in that added glucose and water had been mixed with the articles in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the label, "Pure Preserves * * * Blackberry [or "Strawberry", "Peach", or "Cherry"] and "Pure Pineapple Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products that were deficient in fruit and contained added glucose and water; and in that they were imitations of and offered for sale under the distinctive names of other articles.

On August 4, 1936, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26202. Adulteration and misbranding of blackberry-type wine. U. S. v. 5 Cases, et al., of Alleged Blackberry Type Wine. Default decrees of condemnation. Product delivered to Treasury Department. (F. & D. no. 37211. Sample no. 62596–B.)

In these cases grape wine or diluted grape wine containing little or no blackberry wine had been substituted for blackberry-type wine.

On February 15 and February 21, 1936, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 57 cases of alleged blackberry-type wine at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about December 6, 1935, by the Monarch Wine Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lord Baldwin Blackberry Type Wine * * * Bottled Exclusively for Sunshade Beverage Co., Washington, D. C., Monarch Wine Co., Inc., New York, N. Y."

The article was alleged to be adulterated in that grape wine or diluted grape wine containing little or no blackberry had been substituted for blackberry-type wine.

The article was alleged to be misbranded in that the statement on the label, "Blackberry Type Wine", was false and misleading and tended to deceive and mislead the purchaser when applied to a grape wine or diluted wine containing little or no blackberry; and in that it was an imitation of and offered for sale under the distinctive name of another article.

On August 11, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be delivered to the Treasury Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26203. Adulteration and misbranding of preserves. U. S. v. 280 Cases of Preserves. Consent decree of condemnation. Product released under bond. (F. & D. no. 37219. Sample nos. 56165–B, 56166–B, 56168–B, 56169–B, 56170–B, 56172–B.)

This case involved preserves that were deficient in fruit and contain added acid and pectin.

On February 19, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 280 cases of preserves at Cincinnati, Ohio, consigned by the American Syrup & Sorghum Co., alleging that the article had been shipped in interstate commerce on or about September 26, October 2, and October 11, 1935, and January 17, 1936, by the American Syrup & Sorghum Co., from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was variously labeled in part: "Gruber's Pure Blackberry [or "Strawberry", or "Peach", or "Raspberry"] Preserves, * * * American Syrup & Sorghum Co., Gruber Foods Div., St. Louis, Mo."; "Country Club Brand Pure Strawberry [or "Cherry"] Preserves * * * Distributed by The Kroger Grocery & Baking Co., Cincinnati, O."

The articles were alleged to be adulterated in that a mixture of sugar, acid, and pectin had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality; in that insufficiently concentrated mixtures of fruit, sugar, acid, and pectin containing less fruit than preserves, had been substituted for preserves, which the articles purported to be; and in that a mixture of sugar, acid, and pectin had been mixed with the articles in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure Blackberry Preserves", "Pure Strawberry Preserves", "Pure Peach Preserves", Pure Raspberry Preserves", and "Cherry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but containing less fruit than preserves, the deficiency in fruit being concealed by the addition of acid, pectin, and excess sugar; and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On August 4, 1936, the American Syrup & Sorghum Co., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked and reconditioned under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26204. Adulteration of canned salmon. U. S. v. 28 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. no. 37270. Sample no. 48100–B.)

This case involved canned salmon that was in whole or in part decomposed.

On February 27, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cases of canned salmon at Milwaukee, Wis., alleging that the article had been shipped on or about October 25, 1935, by the F. A. Gosse Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26205. Adulteration and misbranding of tomato juice. U. S. v. 180 Cases of Canned Tomato Juice. Decree of condemnation and destruction. (F. & D. no. 37278. Sample no. 59167–B.)

This case involved interstate shipments of canned tomato juice that contained excessive mold, and the containers of which were short in volume.

On March 3, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 180 cases of canned tomato juice at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 7 and 13, 1935, by the Nelson Packing Co., from Springdale, Ark. The article was labeled in part: "Nelson's Brand Tomato Juice Contents 12½ Fl. Oz. Delicious Refreshing This Tomato Juice is Pure, Undiluted Pasteurized with Rich Natural Flavor. Extracted from fresh selected vine-ripened tomatoes. * * * Produced in the middle of the Ozarks by Nelson Packing Co. Inc. Springdale, Arkansas."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

The article was alleged to be misbranded (1) in that the statement on the label, "Contents 12½ Fl. Oz.", was false and misleading and tended to deceive and mislead the purchaser when applied to a product the packages of which each contained less than 10 fluid ounces thereof, and (2) in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On May 1, 1936, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26206. Adulteration and misbranding of tomato juice. U. S. v. 63½ Cases of Tomato Juice. Product released under bond. (F. & D. no. 37295. Sample no. 67907–B.)

This case involved a shipment of tomato juice that was short in volume and that contained added water.

On March 16, 1936, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63½ cases of tomato juice at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce on or about October 3, 1935, by Libby, McNeill & Libby, from Manzanola, Colo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "14 Fl. Oz. Net Libby's Fancy Tomato Juice * * * Libby, McNeill & Libby Chicago."

The article was alleged to be adulterated in that water had been mixed and packed therewith so as to reduce or lower its quality or strength, and in that water had been substituted wholly or in part for tomato juice, which the article purported to be.

The article was alleged to be misbranded in that it was labeled so as to deceive and mislead the purchaser, i. e., the label bore the statements, "Fancy Tomato Juice * * * is a good source of vitamins A and B, and an excellent source of vitamin C. * * * is the juice of selected red, vine-ripened tomatoes, * * * Rich in flavor, color, and vitamins; it has much of the food value of the fresh tomato"; and "14 Fl. Oz. Net.", whereas the tomato-solids content was below that of authentic undiluted tomato juice and the article was short in volume; misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly, correctly, and conspicuously stated on the outside of the cans, since the statement "14 Fl. Oz. Net" was not correct.

On May 29, 1936, Libby, McNeill & Libby, having appeared as claimant, an order was entered authorizing delivery of the product to the claimant upon payment of costs and the execution of a bond, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act and other laws.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26207. Adulteration and misbranding of olive oil. U. S. v. Eight 1-Gallon Cans, et al., of Alleged Olive Oil. Tried to a jury. Verdict for the Government. Product ordered sold. (F. & D. nos. 37308, 37309, 37329, 37330. Sample nos. 65614–B to 65624–B, incl.)

These cases involved olive oil that was adulterated with tea-seed oil.

On March 6 and March 9, 1936, the United States attorney for the District of New Hampshire, acting upon reports by the Secretary of Agriculture, filed

in the district court libels praying seizure and condemnation of 143 cans, in various sizes, of alleged olive oil at Manchester and Nashua, N. H., alleging that the article had been shipped in interstate commerce on or about September 16, December 19, 1935, and January 25, 1936, by Cosmos Food [Stores] Inc., from Lynn, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cosmos Brand Pure Italian Olive Oil."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength; and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements and designs were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil, (cans) "Imported Extra Fine Virgin Pure Italian Olive Oil, [designs of medals inscribed "Vittorio Emanuele III Re D'Italia" and "Exposition Agricoltura Roma Medaglia D'Oro"] Gold Medal Award * * * Extra Fine Pure Olive Oil This Olive Oil is guaranteed absolutely pure and of the finest quality * * * Extra Fine Olio D'Oliva Sopraffino Quest' olio essendo assolutamente puro non sole e raccomandato come medicinale ma anche per tutti quegli usi in cui e indicato L'olio D'oliva * * * Pure Italian Olive Oil"; and in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On June 16, 1936, the Cosmos Food Stores, Inc., having appeared as claimant and having contested the cases, they were tried to a jury which returned a verdict on June 23, 1936, for the Government. On July 8, 1936, judgment was entered decreeing that the product was adulterated and misbranded and ordering that it be destroyed or sold and that the claimant pay the cost of the proceeding. On September 17, 1936, supplemental decrees were entered ordering that the product be sold.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26208. Adulteration of dried codfish. U. S. v. 180 Boxes and 109 Boxes of Dried Salt Codfish. Default decrees of condemnation and destruction. (F. & D. nos. 37317, 37318. Sample nos. 52164–B, 52165–B.)

These cases involved interstate shipments of dried salt codfish which were infested with nematode worms, a portion of which, in addition, contained maggots and were putrid, and another portion of which had undergone mold decomposition.

On March 7, 1936, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court two liebls, one praying seizure and condemnation of 180 boxes, and the other praying seizure and condemnation of 109 boxes of dried salt codfish at Youngstown, Ohio, alleging that the 180 boxes of the article had been shipped on or about September 20, 1935, by James Walsh from Caraquet, New Brunswick, and that the 109 boxes of the article had been shipped on or about October 4, 1935, by James Walsh from Grand River, Quebec, and that the article in both cases was adulterated in violation of the Food and Drugs Act. The article in both cases was labeled: "Lion Brand Codfish Gaspe Cure Product of Canada Medium [or Large] 100 Lbs. Net."

The article was alleged to be adulterated in that it was infested with nematode worms, some of the fish in addition contained maggots and were putrid, and other fish had undergone brown spot mold decomposition in violation of the Food and Drugs Act providing that an article of food shall be deemed to be adulterated if it consists in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 30, 1936, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26209. Adulteration of blackberry preserves. U. S. v. 30 Cases and 75 Cases of Blackberry Preserves. Default decree of condemnation and destruction. (F. & D. no. 37363. Sample no. 65213–B.)

This case involved blackberry preserves that contained excessive mold.

On March 12, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 105 cases of blackberry preserves at Oakland, Calif., alleging that the article had been shipped

in interstate commerce on or about March 1, 1936, by National Fruit Canning Co., from Seattle, Wash, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Valamont Brand Pure Blackberry Preserves National Fruit Canning Co. Seattle, Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On August 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26210. Misbranding of Gammel Ost. U. S. v. 20 Cartons of Viking Brand Gammel Ost. Default decree of condemnation and destruction. (F. & D. no. 37393. Sample no. 65209-B.)

This case involved a shipment of Gammel Ost that was short in weight.

On March 18, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cartons of Gammel Ost at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 7, 1936, by the A. C. Kirchhoff Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Viking Brand Gammel Ost Imported from Norway * * * Packed by August C. Kirchhoff and Co., Chicago Net Weight 7¾ Ozs. When Packed Partly Skim Milk."

The article was alleged to be misbranded in that the statement on the label, "Net Weight 7¾ Ozs.", was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On July 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26211. Adulteration and misbranding of wine. U. S. v. 237 Bottles of Alleged Blackberry Wine. Default decree of condemnation and destruction. (F. & D. no. 37424. Sample no. 62902-B.)

This product was a mixture of grape wine, alcohol, and blackberry flavor and was represented to be blackberry wine.

On March 24, 1936, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 237 bottles of alleged blackberry wine at Petersburg, Va., alleging that the article had been shipped in interstate commerce on or about March 4, 1936, by the Eastern Wine Corporation from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Dona Clara Finest Vintage Blackberry Wine * * * Prepared and bottled by Eastern Wine Corp. Tulare, Cal. New York, N. Y."

The article was alleged to be adulterated in that a mixture of grape wine, alcohol, and blackberry flavor had been substituted for blackberry wine, which the article purported to be.

The article was alleged to be misbranded in that the statements on the label, "Blackberry Wine" and "We Guarantee the contents of this package to be made from fresh fruits", were false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of grape wine, alcohol, and blackberry flavor, and in that it was an imitation of and offered for sale under the distinctive name of another article, namely, blackberry wine.

On August 27, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26212. Adulteration of canned stringless beans. U. S. v. 300 Cartons of Canned Stringless Beans. Default decree of forfeiture and destruction. (F. & D. no. 37430. Sample no. 53458-B.)

This case involved canned stringless beans that were worm-damaged.

On March 26, 1936, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cartons of canned stringless beans at Lewiston, Idaho, alleging that the article had been shipped in interstate

commerce on or about February 15, 1936, by the Stayton Canning Co., from Stayton, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sea-Port Brand Cut Stringless Beans * * * Standard quality * * * Packed for National Grocery Co., Seattle, Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On July 11, 1936, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26213. Adulteration of dried peaches. U. S. v. 1,200 Boxes of Dried Peaches. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 37456. Sample no. 46282–B.)

This case involved an interstate shipment of dried peaches that were worm-infested, moldy, and dirty.

On March 24, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,200 boxes of dried peaches at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 27, 1936, by Balfour, Guthrie & Co., Ltd., from Oakland, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "25 Lbs. Net Bleached with Sulphur Dioxide California Peaches Balfour Guthrie & Co. Limited San Francisco California."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 30, 1936, H. H. Schlotzhauer, claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be sorted and the unfit portion segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26214. Misbranding of canned tomatoes. U. S. v. 98 Cases of Canned Tomatoes. Default decree of condemnation. Product delivered to a charitable organization. (F. & D. no. 37468. Sample no. 59184–B.)

This case involved an interstate shipment of canned tomatoes that fell below the standard established by the Department of Agriculture because they were not normally colored, and that were not labeled to indicate that they were substandard.

On March 30, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 cases of canned tomatoes at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about October 28, 1935, by the Neosho Canning Co., from Neosho, Mo., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled: "Neosho Brand Hand Packed Tomatoes * * * Packed for those who appreciate quality. By Neosho Canning Company Neosho, Mo."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the tomatoes were not normally colored, and the packages did not bear a plain and conspicuous statement as prescribed by the Secretary of Agriculture, indicating that the article fell below such standard.

On April 29, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the prdouct be delivered to a charitable organization for distribution to destitute and needy persons.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26215. Misbranding of beer. U. S. v. 55⅞ Cases of Beer. Default decree of condemnation and destruction. (F. & D. no. 37482. Sample no. 59200–B.)

This case involved interstate shipments of beer that contained less alcohol than the percentage thereof represented on the label.

On March 30, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 55⅞ cases of beer at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about January 22 and 24; February 4, 7, 13, 18, 21, 25, and 28, and March 1, 2, and 5, 1936, by the Dallas Brewery, Inc., from Dallas, Tex., and that it was misbranded in violation of the Food and Drug Act. The article was labeled in part: "White Rose 13% Balling Old Fashioned Lager Beer Does not contain over 5% alcohol by weight. Contents 12 Fluid Ozs. Dallas Brewery, Inc., Dallas, Texas."

The article was alleged to be misbranded in that the statement on the label, "13%", was false and misleading and tended to deceive and mislead the purchaser, and the statement was not corrected by the inconspicuous statement stamped on the label, "Does not contain over 5% alcohol by weight."

On May 12, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26216. Misbranding of ale. U. S. v. 43 Cases of Ale. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37483. Sample no. 48924–B.)

This case involved a shipment of ale that contained less alcohol by volume than the amount indicated on the label.

On March 27, 1936, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 cases of ale at Hendersonville, N. C., alleging that the article had been shipped in interstate commerce on or about March 17, 1936, by the Heidelberg Brewing Co., from Covington, Ky., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottles) "Student Prince Ale. Alcohol by volume not over 19 percent. Heidelberg Brewing Company, Covington, Kentucky."

The article was alleged to be misbranded in that the statement on the label, "Alcohol by volume not over 19 percent", was false and misleading and tended to deceive and mislead the purchaser when applied to a product that contained 5.6 percent of alcohol by volume.

On June 19, 1936, the Cantrell Produce Co., having appeared as claimant for the article and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26217. Adulteration and misbranding of preserves. U. S. v. 6 and 15 Cases of Peach Preserves, et al. Consent decree of condemnation. Products released under bond to be relabeled. (F. & D. nos. 37521, 37522. Sample nos. 55584–B, 55593–B, 55594–B, 55596–B, 55628–B, 55630–B.)

These cases involved peach and raspberry preserves that contained less fruit and more sugar than preserves should contain. The products also contained added acid or added pectin or both added acid and pectin. Certain lots contained excessive water.

On April 9, 1936, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 257 cases of peach and raspberry preserves at Chicago, Ill., alleging that the articles had been shipped in interstate commerce between the dates of May 11 and November 15, 1935, by the Weideman Co., from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were variously labeled in part: "Banner Boy Pure Peach [or "Raspberry"] Preserves Packed for Banner Wholesale Grocers, Chicago, Ill."; "None-Such Brand Pure Peach Preserves * * * Durand-McNeill-Horner Co., Distributors, Chicago, Illinois."

The articles were alleged to be adulterated in that sugar, acid, pectin, and water in two of the lots; sugar, acid, and pectin in one lot; sugar and acid in one lot; and sugar, acid, and water in one lot had been mixed and packed with the articles so as to reduce or lower their quality; in that mixtures of fruit and said substances containing less fruit and more sugar than preserves should contain, had been substituted for preserves, which the articles purported to be; and in that the articles had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure Peach Preserves" and "Pure Raspberry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves, but which contained less fruit than preserves; and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On June 12, 1936, the Weideman Co., Inc., having appeared as claimant and having admitted the allegations of the libels and consented to the entry of a decree, a consolidated judgment of condemnation was entered and it was ordered that the products be released under bond conditioned that they be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26218. Adulteration of confectionery. U. S. v. 9 Cartons of Caramels. Default decree of condemnation and destruction. (F. & D. no. 37525. Sample nos. 61244–B, 61245–B.)

This case was based on an interstate shipment of pecan cream caramels that had been polluted by flood water.

On April 1, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cartons of pecan cream caramels at Cedar Hill, North Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 30, 1936, by E. J. Brach, from Chicago, Ill., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of filthy, decomposed, and putrid vegetable substances, by reason of having been polluted with flood water.

On May 4, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26219. Adulteration of confectionery. U. S. v. 26 Cartons and 5 Cases of Assorted Candy Bars. Default decree of condemnation and destruction. (F. & D. no. 37526. Sample nos. 61246–B, 61247–B.)

This case was based on an interstate shipment of assorted candy bars that had been polluted by flood water.

On April 1, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cartons and 5 cases of assorted candy bars at Cedar Hill, North Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 30, 1936, by the Hollywood Candy Co., from Minneapolis, Minn., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of filthy, decomposed, and putrid vegetable substances, by reason of having been polluted with flood water.

On May 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26220. Adulteration of confectionery. U. S. v. 5 Cases of Penny Candies. Default decree of condemnation and destruction. (F. & D. no. 37527. Sample no. 61248–B.)

This case involved an interstate shipment of penny candies that had been polluted by flood water.

On April 1, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of penny candies at Cedar Hill, North Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 30, 1936, by the Overland Candy Co., from Chicago, Ill., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of filthy, decomposed, and putrid vegetable substances, by reason of having been polluted by flood water.

On May 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26221. Adulteration of chewing gum and confectionery. U. S. v. 5 Cartons of Chewing Gum and 10 Cartons of Square Sugar Wafers. Default decree of condemnation and destruction. (F. & D. no. 37528. Sample nos. 61249–B, 61250–B.)

This case involved an interstate shipment of a quantity of chewing gum and a quantity of an article, labeled as "Square Sugar Wafers", that had been polluted by flood water.

On April 1, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculure, filed in the district court a libel praying seizure and condemnation of 5 cartons of chewing gum and 10 cartons of an article, labeled "Square Sugar Wafers", at Cedar Hill, North Haven, Conn., alleging that the articles had been shipped in interstate commerce on or about March 30, 1936, by B. O. Fohill from Chicago, Ill., and that they were adulterated in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy, decomposed, and putrid vegetable substances, by reason of having been polluted by flood water.

On May 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26222. Adulteration and misbranding of assorted preserves. U. S. v. 13 Cases of Assorted Preserves. Decree ordering release of product under bond to be relabeled. (F. & D. no. 37533. Sample nos. 49254–B, 49256–B, 49258–B, 49259–B.)

This case involved assorted preserves that contained less fruit and more sugar than standard preserves. The products contained added pectin and certain lots also contained added acid.

On April 6, 1936, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of assorted preserves at Tulsa, Okla., alleging that the articles had been shipped in interstate commerce on or about September 13, 1935, by the Goodwin Preserving Co., from Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Goodwin's * * * Pure Peach Preserves [or "Pure Damson Plum Preserves", or "Pure Black Raspberry Preserves", or "Pure Blackberry Preserves"] Goodwin Preserving Co., Incorporated, Louisville, Ky."

The articles were alleged to be adulterated in that sugar and pectin in the case of the damson plum preserves; and sugar, pectin, and acid in the case of the peach, black raspberry, and blackberry preserves, had been mixed and packed with the articles so as to reduce or lower their quality; in that the articles had been mixed in a manner whereby inferiority had been concealed; and in that mixtures of fruit, sugar, and pectin—the peach, black raspberry, and blackberry also containing added acid—containing less fruit and more sugar than preserves should contain had been substituted for preserves, which the articles purported to be.

The articles were alleged to be misbranded in that the statements on the label, "Pure Damson Plum Preserves", "Pure Peach Preserves", and "Pure Black Raspberry Preserves" or "Pure Blackberry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves—the deficiency in fruit being concealed by the addition of pectin and excess sugar; and in the case of the peach, black raspberry, and raspberry preserves, also by added acid. The articles were alleged to be misbranded further in that they were imitations of and were offered for sale under the distinctive names of other articles.

On June 4, 1936, N. E. Proctor, having appeared as claimant and the court having found the allegations of the libel to be true, a decree was entered ordering that the products be released under bond to be relabeled under supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26223. Misbranding of beer. U. S. v. 229 Cases of Beer. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37534. Sample no. 64392–B.)

This case involved an interstate shipment of beer that contained less alcohol than the percentage thereof represented on the label.

On April 2, 1936, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 229 cases of beer at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about March 30, 1936, by Sterling Brewers, Inc., from Evansville, Ind., and that it was misbranded in violation of the Food and Drugs Act. The article, contained in bottles was labeled in part: (Principal label) "Contents 12 Fluid Oz. * * * Sterling Beer High Quality Brewed & Bottled by Sterling Brewers, Inc. Evansville, Ind."; (neck band) "Not Over 12½% Proof Spirits Sterling High Quality."

The article was alleged to be misbranded in that the statement on the label, "Not Over 12½% Proof Spirits", was false and misleading and tended to deceive and mislead purchasers when applied to a product containing only 4.43 percent of alcohol by volume and less than 12½ percent proof spirits.

On May 9, 1936, Entreken Sales Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26224. Misbranding of beer and ale. U. S. v. 183 Cases of Beer and 100 Cases of Ale. Default decree of condemnation. Product delivered to the United States Department of the Treasury. (F. & D. no. 37568. Sample nos. 64397–B, 64398–B.)

This case involved an interstate shipment of beer and ale that contained less alcohol than the percentages thereof represented on the labels.

On or about April 9, 1936, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 183 cases of beer and 100 cases of ale at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about February 23, 1936, by the Red Top Brewing Co., from Cincinnati, Ohio, and that they were misbranded in violation of the Food and Drugs Act. The beer, contained in bottles, was labeled: (Principal label) "Red Top Beer Extra High Made in the former Hauck Brewery Red Top Brewing Company Cincinnati, O. Contents 12 Fluid Ounces"; (neck label) "Not over 14 per cent proof spirits [the figure "14" one-half inch high and the remainder 8-point caps light]." The ale, contained in bottles, was labeled: (Principal label) "Red Top 8 Ale Made in the former Hauck Brewery Red Top Brewing Company Cincinnati, O. Contents 12 Ounces"; (neck label) "8" [figure ¾-inch high]."

The beer was alleged to be misbranded in that the statements on the labels, "Extra High" and "Not over 14 per cent proof spirits", were misleading and tended to deceive and mislead the purchaser when applied to a product containing 4.62 percent of alcohol by volume. The ale was alleged to be misbranded in that the statement on the main bottle label, "8 * * * strong ale", and the statement on the neck label, "8", were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing 6.50 percent of alcohol by volume.

On May 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to the nearest proper official of the United States Department of the Treasury.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26225. Adulteration of turnips. U. S. v. 512 Sacks of Turnips. Decree of condemnation and destruction. (F. & D. no. 37576. Sample no. 56021–B.)

This case involved an interstate shipment of turnips that were found to be decayed and moldy.

On April 10, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 512 sacks of turnips at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about March 20, 1936, by Trulyn Shippers, Inc., from Edinburg, Tex., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On April 28, 1936, a decree of condemnation was entered, and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26226. Adulteration of canned salmon. U. S. v. 694 Cases and 119 Cases of Canned Salmon. Consent decrees of condemnation. Product released under bond. (F. & D. nos. 37579, 37591. Sample nos. 65175–B, 65176–B, 66837–B.)

These cases involved canned salmon that was in part decomposed.

On April 10 and April 13, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 813 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 27, 1935, by Pioneer Canneries, Inc., from Cordova, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 11, and June 13, 1936, the Pioneer Canneries, Inc., having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond, conditioned that it should not be disposed of contrary to the provisions of the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26227. Adulteration of cheese. U. S. v. 20 Boxes of Cheese, and other cases. Default decree of condemnation and destruction. (F. & D. no. 37586. Sample nos. 63090–B to 63100–B, incl., 63226–B.)

This case involved an interstate shipment of various kinds of cheese that had been polluted by flood water and sewage.

On April 13, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 boxes of so-called "Longhorn Cheese", 6 boxes of "Dairy Cheese", 258 jars of "Shefford Pasteurized Limburger Processed Cheese", 130 packages of "Shefford Cheese Limburger", 1,170 packages of "Shefford Process Cheese", 54 boxes of "Kingan's Process Cheese White American", 768 boxes of "Shefford Process Cheese White American", 402 boxes of so-called "Shefford Pasteurized Process Cheese Pimiento", 55 boxes of so-called "Shefford Pasteurized Process Cheese Swiss Blended with American", 5 boxes of so-called "Shefford Pasteurized Cream Cheese", 3 jars of mayonnaise, 18 packages of snappy cheese, 17 boxes of so-called "Kingan's Process Cheese American", and 3¾ wheels of domestic Swiss cheese, at Green Bay, Wis., alleging that the articles had been shipped in interstate commerce on or about March 22, 1936, by Kingan & Co., from Harrisburg, Pa., and that they were adulterated in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that they consisted in whole or in part of a filthy animal substance.

On May 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26228. Misbranding of sirup. U. S. v. 21 Cartons of Sirup. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37587. Sample no. 67039–B.)

This case involved interstate shipments of sirup the containers of which were short in volume.

On April 14, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cartons each containing 24 jugs of sirup at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about January 6 and February 5, 1936, by Lyons-Magnus, Inc., from San Francisco, Calif., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Net Contents 12 Fl. Ozs. * * * Lyons-Magnus, Inc. Fruit Products . San Francisco, U. S. A."

The article was alleged to be misbranded in that the statement on the label "Net Contents 12 Fl. Ozs." was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On May 1, 1936, Lyons-Magnus, Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26229. Misbranding of canned peas. U. S. v. 149 Cases of Canned Peas. Consent decree of condemnation and destruction. (F. & D. no. 37607. Sample no. 55185–B.)

This case was based on an interstate shipment of canned peas contained in cans that were not properly labeled as to the quantity of contents, and that fell below the standard established by the Department of Agriculture because of the presence of an excessive proportion of peas that were not immature, and that were not labeled to indicate that they were substandard.

On April 21, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 149 cases of canned peas at Chicago, Ill., alleging that the article was shipped in interstate commerce on or about March 3, 1936, by the Knellsville Pea Canning Co., from Port Washington, Wis., and that it was misbranded in violation of the Food and Drugs Act as amended.

The article was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package; and in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the peas were not tender, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On May 29, 1936, the Knellsville Pea Canning Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26230. Misbranding of canned peas. U. S. v. 850 Cases and 39 Cans of Canned Peas. Consent decree of condemnation. Product released under bond conditioned that unfit portion be destroyed and remainder relabeled. (F. & D. no. 37642. Sample no. 55186–B.)

This case involved a shipment of canned peas that fell below the standard established by this Department because of the presence of an excessive amount of foreign material, thistle buds, and because the peas were not tender, and which were not labeled to indicate that they were substandard.

On April 24, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 850 cases and 39 cans of peas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 28, February 29, March 2, and March 3, 1936, by the Knellsville Pea Canning Co., from Port Washington, Wis., and charging misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food since the peas were not tender and contained more than one piece of foreign material for each 2 ounces, namely, about three thistle buds per 2 ounces of net weight; and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On June 1, 1936, the Progressive Sales Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unfit portion be destroyed and that the remainder be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26231. Adulteration and misbranding of raspberry preserves. U. S. v. 105 Cases and 48 Cases of Raspberry Preserves. Consent decree of condemnation. Product released under bond to be reconditioned and relabeled. (F. & D. nos. 37646, 37763. Sample nos. 52723–B, 71377–B.)

These cases involved preserves that contained less fruit and more sugar than standard preserves, and that contained added acid and pectin.

On May 2, 1936, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended May 26, 1936) praying seizure and condemnation of 153 cases of pure raspberry preserves at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about July 17 and September 5, 1935, by Wheeler-Barnes Co., from Minneapolis, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Briardale Brand * * * Pure Raspberry Preserves, Grocers Wholesale Co., Distributors, Des Moines, Iowa."

The article was alleged to be adulterated in that sugar, acid, and pectin had been mixed and packed with the article so as to reduce or lower its quality, and had been mixed with the article in a manner whereby inferiority had been concealed; and in that a mixture of fruit, sugar, acid, and pectin, containing less fruit and more sugar than preserves should contain, had been substituted for preserves.

The article was alleged to be misbranded in that it was an imitation of and was offered for sale under the distinctive name of another article; and in that the statement on the label "Pure Raspberry Preserves" was false and misleading and deceived and misled the purchaser when applied to a product resembling a preserve but which contained less fruit than a preserve should contain, the deficiency in fruit having been concealed by the addition of acid, pectin, and excess sugar.

On June 17, 1936, the Wheeler-Barnes Co., having appeared as claimant and having consented to the entry of a decree, a judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reconditioned and relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26232. Adulteration of canned salmon. U. S. v. 88 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for reconditioning. (F. & D. no. 37653. Sample nos. 66851–B, 66877–B, 66890–B.)

This case involved an interstate shipment of salmon examination of which showed the presence of decomposed salmon.

On April 23, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 88 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 20, 1935, by the Surf Canneries, Inc., from Kukak Bay, Alaska, and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 11, 1936, the Surf Canneries, Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reconditioned.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26233. Adulteration of canned salmon. U. S. v. 611 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 37658. Sample nos. 66846–B, 66876–B, 66889–B.)

This case involved an interstate shipment of canned salmon examination of which showed the presence of decomposed salmon.

On April 23, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 611 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 10, 1935, by the Klawock Packing Co., from Klawock, Alaska, and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 25, 1936, the Klawock Packing Co., claimant, having admitted the allegations of the libel, and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unfit portion thereof be segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26234. Adulteration of frozen shrimp. U. S. v. 90 Bags of Frozen Shrimp. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portions. (F. & D. no. 37659. Sample no. 61810–B.)

This case involved an interstate shipment of frozen shrimp that was in part decomposed.

On April 27, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 8, 1935, by the St. Johns Shrimp Co., from Charleston, S. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 1, 1936, J. J. Hanson, Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond, conditioned that the unfit portions be segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26235. Adulteration of frozen shrimp. U. S. v. 520 Bags and 383 Bags of Frozen Shrimp. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portions. (F. & D. no. 37660. Sample no. 61811–B.)

This case involved frozen shrimp that was in part decomposed.

On April 27, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one lot of 903 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 8 and August 6, 1935, by the Independent Fish Co., from Mayport, Fla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 1, 1936, J. J. Hanson, Inc., claimant, having admitted the allegations of the libel, and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the unfit portion be segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26236. Adulteration of canned salmon. U. S. v. 34 Cases of Canned Salmon. Product released under bond. (F. & D. no. 37686. Sample no. 73238–B.)

This case involved canned salmon which was in part decomposed.

On April 27, 1936, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 cases of canned salmon at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about January 10, 1936, by Seufert Bros. Co., from The Dalles, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Celilo Brand Columbia River Salmon."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 17, 1936, Seufert Bros. Co., having appeared as claimant and having consented to the entry of a decree, judgment was entered ordering that the product be released under bond conditioned that it would not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26237. Misbranding of canned pears. U. S. v. 25 Cases of Canned Pears. Default decree of condemnation and destruction. (F. & D. no. 37701. Sample no. 69679–B.)

This case involved shipments of canned pears that fell below the standard established by the Secretary of Agriculture, since the fruit was not in unbroken halves because of excessive trimming, and which were not labeled to indicate that they were substandard. The product was not packed in heavy sirup as claimed.

On May 1, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned pears at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about April 4, 1936, by the Howard Terminal, from Oakland, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Good Rich Pear Compote in Heavy Syrup Bartlett Pears * * * Drew Canning Co. Ltd. Campbell, California."

The article was alleged to be misbranded in that the statement on the label "Pear Compote in Heavy Syrup" was false and misleading and tended to deceive and mislead the purchaser since the product was not packed in heavy sirup; and in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food since the fruit was not in unbroken halves because of excessive trimming, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On August 31, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26238. Adulteration and misbranding of canned tomato juice. U. S. v. 130 Cases of Canned Tomato Juice. Product released under bond to be relabeled. (F. & D. no. 37702. Sample no. 68058–B.)

This case involved a shipment of canned tomato juice that was short in volume and a part of which contained added water.

On May 2, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 130 cases of tomato juice at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce from Oakland, Calif., in part on or about October 11, 1935, by Van Camp's Inc., and in part on or about March 3, 1936, by the California Packing Co., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Van Camp's Tomato Juice. Contents 20½ Fluid Ounces Prepared by Van Camp's Inc., Indianapolis, Ind., U. S. A."

A portion of the article was alleged to be adulterated in that water had been mixed and packed therewith so as to reduce or lower its quality or strength, and in that water had been substituted in whole or in part for tomato juice, which the article purported to be.

The article was alleged to be misbranded in that the statements on the label "Contents 20½ Fluid Ounces", with respect to all lots, and "Tomato Juice", with respect to a portion, were false and misleading and tended to deceive and mislead the purchaser when applied to a product packed in cans containing less than 20½ fluid ounces and a part of which contained added water; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On August 8, 1936, C. P. Dorr, Oakland, Calif., claimant, having admitted the allegations of the libel, judgment was entered finding the product adulterated and misbranded and ordering that it be released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26239. Adulteration and misbranding of jam. U. S. v. 131 Cases of Assorted Alleged Jams. Consent decree of condemnation. Product released under bond for reprocessing. (F. & D. no. 37703. Sample nos. 55417–B, 55418–B.)

This case involved an interstate shipment of assorted jams that contained excessive sugar and that were deficient in fruit.

On May 7, 1936, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 131 cases of assorted so-called jams at Fort Wayne, Ind., alleging that the articles had been shipped in interstate commerce on or about February 22, 1935, by Glaser, Crandell Co., from Chicago, Ill., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The articles, contained in jars, were labeled in part: "Mickey Mouse One Pound Pure Peach [or "Blackberry"] Jam Glaser, Crandell Co., Chicago."

The articles were alleged to be adulterated (1) in that sugar had been mixed and packed with the articles so as to reduce or lower their quality; (2) in that a mixture of fruit and sugar, containing less fruit and more sugar than jam, had been substituted for jam; and (3) in that sugar had been mixed with the articles in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded (1) in that the statements on the labels "Pure Peach Jam" and "Pure Blackberry Jam" were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling a jam but which contained less fruit than jam, the deficiency in fruit being concealed by the addition of excess sugar; and (2) in that they were imitations of and were offered for sale under the distinctive names of other articles.

On May 28, 1936, Glaser, Crandell Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the products be released under bond conditioned that they be reprocessed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26240. Adulteration of canned salmon. U. S. v. 145 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 37708. Sample no. 73481–B.)

This case involved an interstate shipment of canned salmon examination of which showed the presence of decomposed salmon.

On May 5, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 145 cases of salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 29, 1935, by the Grimes Packing Co., from Ouzinkie, Alaska, and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 12, 1936, O. L. Grimes, claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unfit portion be segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26241. Adulteration and misbranding of canned apricot juice. U. S. v. 13 Cases of Canned Apricot Juice. Default decree of condemnation and destruction. (F. & D. no. 37713. Sample no. 55714–B.)

This case involved canned apricot juice that contained added water in excess of the amount indicated on the label.

On May 9, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of canned apricot juice at Chicago, Ill., alleging that the article had been shipped on or about March 12, 1936, by the Consolidated Fruit Forwarding Co., from Oakland, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Heart's Delight * * * Apricot Juice Sugar Syrup Added Juice Made From Fresh Tree-Ripened Apricots with Sugar Syrup Added * * * Richmond-Chase Company Main Office San Jose, Cal. U. S. A."

The article was alleged to be adulterated in that water had been mixed and packed with it so as to reduce or lower its quality or strength; and in that water had been substituted in whole or in part for the article.

The article was alleged to be misbranded in that the statements on the label, "Apricot Juice Sugar Syrup Added" and "Juice Made From Fresh Tree-Ripened Apricots with Sugar Syrup Added", were false and misleading and tended to deceive and mislead the purchaser since the article contained added water in excess of the amount indicated by the statements on the label.

On June 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26242. Adulteration of dried apricots and mixed dried fruits. U. S. v. 14 Cases of Dried Apricots and 14 Cases of Mixed Dried Fruits. Default decree of condemnation and destruction. (F. & D. nos. 37715, 37716. Sample nos. 67841–B, 67842–B.)

This case involved dried fruits that were insect-infested.

On or about May 7, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of dried apricots and 14 cases of mixed dried fruits at Big Spring, Tex., alleging that the articles had been shipped in interstate commerce on or about October 2, 1934, by Rosenberg Bros., & Co., from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The articles were labeled, respectively: "Equality Brand California Apricots Packed by California Prune and Apricot Growers Assn. * * * San Jose California"; "Eureka Brand Extra Choice California Fruit Compote Rosenberg Bros. & Co. California * * *."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy vegetable substances.

On June 10, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26243. Adulteration of canned salmon. U. S. v. 693 Cartons of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37728. Sample no. 68999–B.)

This case involved salmon that was in part decomposed.

On May 11, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 693 cartons, each containing 48 cans of salmon, at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 10, 1936, by the New England Fish Co., from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "Pillar Rock Brand Fancy Chinook Salmon * * * Packed and Guaranteed by New England Fish Company Seattle Washington Spring Pack."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On July 17, 1936, the New England Fish Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26244. Adulteration of canned salmon. U. S. v. 148 Cartons of Canned Salmon. Consent decree of condemnation. Product released under bond for reconditioning. (F. & D. no. 37730. Sample nos. 73498–B, 73511–B.)

This case involved an interstate shipment of canned salmon examination of which showed the presence of decomposed salmon.

On May 12, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 148 cartons of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 30, 1935, by the First Bank of Cordova, from Cordova, Alaska, and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 29, 1936, W. R. Gilbert Co., Inc., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the article be released under bond conditioned that it be reconditioned.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26245. Adulteration and misbranding of preserves. U. S. v. 20, 21 and 18 Jars of Preserves. Default decree of condemnation. Product turned over to a charitable institution. (F. & D. no. 37733. Sample nos. 62896–B, 62897–B, 62898–B.)

This case involved preserves that contained less fruit and more sugar than standard preserves and contained added water which should have been boiled off. The apricot preserves contained added acid and pectin.

On May 13, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 59 jars of alleged preserves at Washington, D. C., alleging that the articles had been shipped in interstate commerce on or about December 13, 1935, and April 10, 1936, by Crosse & Blackwell Co., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The preserves were variously labeled in part: "Crosse and Blackwell Pure Gooseberry [or "Pure Apricot" or "Pure Plum"] Preserves * * * Crosse and Blackwell, Baltimore, New York, London."

The articles were alleged to be adulterated in that sugar and water, in the case of the gooseberry and plum preserves, and sugar, water, added acid, and pectin, in the case of the apricot preserves, had been mixed and packed with the articles so as to reduce or lower their quality; in that mixtures of fruit, sugar, and water, containing less fruit and more sugar than preserves should contain, the apricot preserves containing added acid and pectin, had been substituted for preserves; and in that the articles had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure Gooseberry Preserves", "Pure Plum Preserves", and "Pure Apricot Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves should contain; and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On August 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be turned over to a charitable institution for its use and not for sale.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26246. Adulteration of wine. U. S. v. 7 Cases of Wine. Default decree of condemnation and destruction. (F. & D. no. 37734. Sample no. 55716–B.)

This case involved wine that contained an excessive amount of fluorine.

On May 14, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cases of wine at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 8, 1936, by Dyson Shipping Co., Inc., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lyons * * * California Sauterne Wine The E. G. Lyons and Raas Co. San Francisco."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, to wit, fluorine, which might render the article injurious to health.

On August 17, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26247. Adulteration of flour, wheat bran, and corn meal. U. S. v. 40½-Barrel Sacks of Flood-Damaged Flour (and other products). Default decree of condemnation and destruction. (F. & D. no. 37735. Sample no. 61880–B.)

This case involved flour, wheat bran, and corn meal that were badly damaged by flood water and were moldy.

On May 15, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 190 half-barrel sacks, 125 eighth-barrel sacks, and 420 5-pound sacks of flour, 15 cartons of wheat bran, and 15 cartons of corn meal at Hartford, Conn., alleging that the articles had been shipped in interstate commerce on or about March 13, 1936, by Pillsbury Flour Mills Co., from East Buffalo, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that they consisted in whole or in part of a filthy and decomposed vegetable substance.

On June 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26248. Adulteration of crab meat. U. S. v. Fifty 1-Pound Tins and 2 Barrels of Crab Meat. Decrees of destruction. (F. & D. nos. 37760, 37783. Sample nos. 62947–B, 64240–B.)

These cases involved shipments of crab meat that was contaminated with fecal *Bacillus coli.*

On May 14 and May 22, 1936, the United States attorneys for the District of Maryland and the Eastern District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 2 barrels of crab meat at Baltimore, Md., and 50 pound tins of crab meat at Columbia, S. C., alleging that the article had been shipped in interstate commerce on or about May 11 and May 19, 1936, by E. J. Toomer, in part from Thunderbolt, Ga., and in part from Savannah, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 2, 1936, the lot seized at Columbia, S. C., was ordered destroyed since it was rapidly deteriorating and was unfit for human consumption. On June 18, 1936, no claimant having appeared for the lot seized at Baltimore, Md., judgment of condemnation was entered and it was ordered that the lot be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26249. Adulteration of crab meat. U. S. v. 2 Barrels and 30 Tins of Crab Meat. Decrees of destruction. (F. & D. nos. 37761, 37778. Sample nos. 45519–B, 64241–B.)

These cases involved shipments of crab meat that contained fecal *Bacillus coli.*

On May 14 and May 22, 1936, the United States attorneys for the District of Maryland and the Eastern District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 2 barrels of crab meat at Baltimore, Md., and 30 pound tins of crab meat at Columbia, S. C., alleging that the article had been shipped in interstate commerce on or about May 12 and May 19, 1936, by A. S. Varn, from Savannah, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 2, 1936, the lot seized at Columbia, S. C., was ordered destroyed since it was rapidly deteriorating and was unfit for human consumption. On June 18, 1936, no claimant having appeared for the lot seized at Baltimore, Md., judgment of condemnation was entered and the said lot was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26250. Adulteration of crab meat. U. S. v. 6 Barrels of Crab Meat, et al. Decrees of destruction. (F. & D. nos. 37762, 37766, 37767, 37775, 37806. Samples nos. 45515–B, 64239–B, 64246–B, 64247–B, 64248–B.)

These cases involved shipments of crab meat that was contaminated with fecal *Bacillus coli.*

On May 13, May 21, May 22, and May 23, 1936, the United States attorneys for the District of Maryland and the Eastern District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 7 barrels of crab meat at Baltimore, Md.,

65 pounds of crab meat at Charleston, S. C., and 25 pound tins of crab meat at Columbia, S. C., alleging that the article had been shipped in interstate commerce on or about May 10, May 17, and May 19, 1936, by Louis G. Ambos, in part from Savannah, Ga., and in part from Thunderbolt, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 2 and June 3, 1936, the lots seized in the Eastern District of South Carolina were ordered destroyed since the product was rapidly deteriorating and was unfit for human consumption. On June 16 and June 25, 1936, no claimant having appeared for the lots seized at Baltimore, Md., judgments of condemnation were entered and it was ordered that they said lots be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26251. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 37779. Sample no. 53215–B.)

This case involved a shipment of crab meat that contained fecal *Bacillus coli.*

On April 30, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Baltimore, Md., consigned by S. Daniel Sea Food Co., alleging that the article had been shipped in interstate commerce on or about April 27, 1936, from Fort Myers, Fla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26252. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 37780. Sample no. 53225–B.)

This case involved a shipment of canned crab meat that contained fecal *Bacillus coli.*

On May 2, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Baltimore, Md., consigned by the Gulf Crest Fisheries, alleging that the article had been shipped in interstate commerce on or about April 29, 1936, from Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26253. Adulteration of crab meat. U. S. v. One Barrel and One Barrel of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 37781, 37790. Sample nos. 53231–B, 53247–B.)

These cases involved shipments of crab meat that contained fecal *Bacillus coli.*

On May 5 and May 12, 1936, the United States attorneys for the District of Maryland and the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of one barrel of crab meat at Baltimore, Md., and one barrel of crab meat at New York, N. Y., consigned by W. G. Ruark, alleging that the article had been shipped in interstate commerce on or about May 2 and May 6, 1936, from Port Royal, S. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 3 and June 10, 1936, no claimants having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26254. Adulteration of crab meat. U. S. v. 8 Barrels of Crab Meat, et al. Default decrees of condemnation and destruction. (F. & D. nos. 37782, 37791, 37838. Sample nos. 45509–B, 53244–B, 53249–B.

These cases involved shipments of crab meat that was contaminated with fecal *Bacillus coli.*

On May 9, May 11, and May 12, 1936, the United States attorneys for the District of Maryland, the Southern District of New York, and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 8 barrels of crab meat at Baltimore, Md., 2 barrels of crab meat at New York, N. Y., and 44 pounds of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 5, May 7, and May 9, 1936, by S. L. Lewis from Brunswick, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 3, June 11, and June 12, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26255. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat, et al. Default decrees of condemnation and destruction. (F. & D. nos. 37774, 37776, 37777, 37785, 37786. Sample nos. 45513–B, 45514–B, 45518–B, 64238–B, 64249–B.)

These cases involved shipments of crab meat samples of which were found to contain fecal *Bacillus coli.*

On May 13, May 14, May 19, and May 21, 1936, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 449 cans of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce in various shipments between the dates of May 10 and May 20, 1936, by the Alfonso Fish Market, from Savannah, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 16, June 18, and June 25, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26256. Adulteration of crab meat. U. S. v. 29 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 37787. Sample no. 52988–B.)

This case involved an interstate shipment of crab meat that was found to contain fecal *Bacillus coli.*

On April 28, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cans of crab meat at New York, N. Y., consigned by F. E. Anderson & Son, and alleging that the article had been shipped on or about April 22, 1936, from New Smyrna, Fla., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 12, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26257. Adulteration of crab meat. U. S. v. One Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 37788. Sample no. 53236–B.)

This case involved a shipment of crab meat that contained fecal *Bacillus coli.*

On May 8, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 4, 1936, by S. L. Lewis from Brunswick, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained fecal *B. coli* and consisted in whole or in part of a filthy animal substance.

On May 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26258. Adulteration of crab meat. U. S. v. 3 Barrels of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 37789. Sample no. 53237–B.)

This case involved a shipment of canned crab meat that contained fecal *B. coli.*

On May 8, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three barrels each containing one hundred and four 1-pound cans of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 4, 1936, by S. L. Lewis from Brunswick, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26259. Adulteration of crab meat. U. S. v. 3 Barrels of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 37796. Sample no. 53230–B.)

This case involved an interstate shipment of crab meat that was contaminated with *Bacillus coli.*

On May 4, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three barrels of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 2, 1936, by W. G. Ruark & Son, from Port Royal, S. C., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On May 27, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26260. Adulteration of crab meat. U. S. v. 46 Tins, 11 Tins, and 17 Tins of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 37792, 37793, 37794. Sample nos. 52999–B, 53210–B, 53211–B.)

These cases involved interstate shipments of crab meat that was polluted.

The United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court on April 28, 1936, a libel praying seizure and condemnation of 46 tins, and on May 1, 1936, two libels praying seizure and condemnation of 11 tins and 17 tins of crab meat at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about April 25 and April 27, 1936, by Philip Amara, from Jacksonville, Fla., and that the article was adulterated in violation of the Food and Drugs Act. The article in one of the three lots was labeled: "Regular Lump Crabmeat Net Weight 1 Lb." The article in the other two lots was labeled: "Back Fin Lump Crabmeat Net Weight 1 Lb."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 1, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26261. Adulteration of crab meat. U. S. v. 3 Barrels, 2 Barrels, and 2 Barrels of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 37795, 37836, 37837. Sample nos. 53235–B, 53245–B, 53246–B.)

These cases involved interstate shipments of crab meat that was contaminated with fecal *Bacillus coli.*

On May 7, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of three barrels of crab meat at Philadelphia, Pa., and on May 9 and 23, 1936, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of four barrels of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 4 and 5, 1936, by S. L. Lewis from Brunswick, Ga., and that they were adulterated in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that they consisted of a filthy animal substance.

On May 23 and 27, 1936, no claimants having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26262. Misbranding of beer. U. S. v. 180 Cases of Beer. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37797. Sample no. 68537–B.)

This case involved an interstate shipment of beer that contained less alcohol than the percentage thereof represented on the label.

On April 9, 1936, the United States attorney for the Middle District of Tennessee, acting upon a report by the Superintendent of the Division of Foods, Fertilizers and Dairies, Department of Agriculture of the State of Tennessee, filed in the district court a libel praying seizure and condemnation of 180 cases of beer at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about March 25, 1936, by the Terre Haute Brewing Co., from Terre Haute, Ind., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Champaign Velvet Beer Super Strong (not over 12½%—Proof Spirits)."

The article was alleged to be misbranded in that it was labeled so as to deceive and mislead the purchaser, because of the statement on the label, "Super Strong (not over 12½%—Proof Spirits)", when analysis showed that the article contained less than 5 percent of alcohol by weight.

On April 28, 1936, R. L. Wiles Distributing Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26263. Misbranding and alleged adulteration of beer. U. S. v. 200 Cases of Oertel's '92. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37798. Sample no. 68542–B.)

This case involved a shipment of beer that contained less alcohol than indicated on the labeling.

On April 9, 1936, the United States attorney for the Middle District of Tennessee, acting upon a report by an official of the Department of Agriculture of the State of Tennessee, filed in the district court a libel praying seizure and condemnation of 200 cases of Oertel's '92 beer at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about March 6, 1936, by the Oertel Co., from Louisville, Ky., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Not to be sold where law forbids sale of High Alcoholic Beverages. Extra Strong."

The article was alleged to be adulterated in that a beverage containing less alcohol than should be found in an extra strong product had been substituted for the said article.

The article was alleged to be misbranded in that the statement, "Not to be sold where law forbids sale of High Alcoholic Beverages, Extra Strong", was deceptive and misleading since analysis showed that the product contained less than 5 percent of alcohol by weight.

On April 24, 1936, the Dixie Bottling Co., Nashville, Tenn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be condemned. The decree provided for release of the product under bond for relabeling.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26264. Misbranding and alleged adulteration of beer and ale. U. S. v. 709 Cases of Red Top Beer and 39 Cases of Red Top 8 Ale. Decrees of condemnation. Products released under bond to be relabeled. (F. & D. nos. 37799, 37802. Sample nos. 68538–B, 68539–B.)

These cases involved shipments of beer and ale that contained smaller percentages of alcohol than indicated on the labels.

On April 9, 1936, the United States attorney for the Middle District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 709 cases of Red Top Beer and 39 cases of Red Top 8 Ale at Nashville, Tenn., alleging that the articles had been shipped in interstate commerce, on or about March 13, and April 4, 1936, by the Red Top Brewing Co., from Cincinnati, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Beer) "Red Top Beer, Not over 14% proof spirits, extra high"; (ale) "8", (neck label) "This is our strong ale."

The articles were alleged to be adulterated in that beverages containing less alcohol than indicated on the labeling had been substituted for the said articles.

The beer was alleged to be misbranded in that the statement "Extra High, not over 14% proof spirits", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a product that contained less than 4 percent of alcohol by weight.

The ale was alleged to be misbranded in that the statements "8" and "This is our strong ale", borne on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to a product that contained less than 5 percent of alcohol by weight.

On April 16, 1936, M. Cohen & Sons, Nashville, Tenn., claimants, having admitted the allegations of the libels and having consented to the entry of decrees, judgments were entered finding the products misbranded and ordering that they be condemned. The decrees provided that the products be released under bond conditioned that they be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26265. Adulteration and misbranding of beer. U. S. v. 88 Cases of Beer. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37800. Sample no. 68540–B.)

This case involved an interstate shipment of beer that was found to contain less alcohol than the percentage thereof represented on the label.

On April 9, 1936, the United States attorney for the Middle District of Tennessee, acting upon a report by an official of the State of Tennessee, filed in the district court a libel praying seizure and condemnation of 88 cases of beer at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about March 7, 1936, by Sterling Brewers, Inc., from Evansville, Ind., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Sterling Beer Not Over 12½% Proof Spirits—Sterling High Quality."

The article was alleged to be adulterated in that a beverage containing less than 12½ percent of alcohol had been substituted for the article described on the label.

The article was alleged to be misbranded in that it was labeled so as to deceive and mislead the purchaser because of the statement on the label, "Not Over 12½% Proof Spirits—Sterling High Quality", when analysis showed that the article contained less than 5 percent of alcohol by weight.

On May 1, 1936, Sterling Brewers, Inc., claimant, having admitted the allegations of the libels and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26266. Adulteration of apples. U. S. v. 40 Boxes of Apples. Default decree of destruction. (F. & D. no. 37803. Sample no. 13926–B.)

This case involved a shipment of apples that were contaminated with arsenic and lead.

On March 28, 1936, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 boxes of apples at Bismarck, N. Dak., consigned by O. K. Lindville, Ephrata, Wash., alleging that the article had been shipped in interstate commerce on or about March 3, 1936,

from Grant Orchard, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grown by O. K. Lindville, Grant Orchard, Washington."

The article was alleged to be adulterated in that it contained arsenic and lead, added poisonous substances which might have rendered it injurious to health.

On March 30, 1936, no claimant having appeared, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26267. Adulteration of butter. U. S. v. 7 Lots (607 Pounds) of Butter. Decree of destruction. (F. & D. no. 37804. Sample nos. 56227–B to 56223–B, incl.)

This case involved shipments of butter that was decomposed and filthy.

On April 16, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven lots of butter at Cincinnati, Ohio, alleging that the article had been shipped in various shipments between the dates of January 8 and February 19, 1936, by J. D. Young, Congo, Ky., Louie E. Boggs, Louisa, Ky., W. J. Wheeler, Chandlerville, Ky., Lee House, East Bernstadt, Ky., and M. M. Baker, Louisa, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On May 19, 1936, the product being spoiled and unfit for human consumption, on recommendation of the consignee, a decree was entered ordering its immediate destruction.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26268. Misbranding of tomato juice. U. S. v. 975 Cartons of Tomato Juice. Decree of condemnation. Product ordered released under bond to be relabeled. (F. & D. no. 37814. Sample no. 54148–B.)

This case involved canned tomato juice that was short in volume.

On June 12, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 975 cartons of tomato juice at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 21, 1936, by G. L. Webster Co., Inc., from Cheriton, Va., and charging misbranding in violation of the Food and Drugs Act as amended.

The article was labeled in part: "Webster's Grade A Fancy Tomato Juice Contents 1 Pt. 4 Fl. Oz. * * * Packed by G. L. Webster Company Incorporated Cheriton, Virginia."

The article was alleged to be misbranded in that the statement "Contents 1 Pt. 4 Fl. Oz." was false and misleading and tended to deceive and mislead the purchaser when applied to a product packed in cans containing less than 1 pint 4 fluid ounces; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On June 30, 1936, the G. L. Webster Co., Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26269. Adulteration of crab meat. U. S. v. 200 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 37839. Sample no. 45521–B.)

This case involved a shipment of canned crab meat that contained fecal *Bacillus coli.*

On May 16, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 pound cans of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 12, 1936, by Kenner Seafood Co., from Darien, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26270. Adulteration of cream. U. S. v. Five 10-Gallon Cans of Cream. Consent decree of destruction. (F. & D. no. 37849. Sample no. 70022–B.)

This case involved cream that was in various stages of decomposition.

On or about June 26, 1936, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five 10-gallon cans of cream at Bristol, Va., alleging that the article had been shipped in interstate commerce on or about June 16, 1936, by J. T. Bible from White Pine, Tenn., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 2, 1936, the Southern Maid Dairy Products Corporation, the consignee, having consented to destruction of the product, judgment was entered ordering that it be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26271. Adulteration of cream. U. S. v. Eight 10-Gallon Cans, et al., of Cream. Consent decree of destruction. (F. & D. no. 37855. Sample no. 68086–B.)

This case involved cream that was adulterated with kerosene and that was yeasty, moldy, cheesy, rancid, and putrid.

On June 13, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about June 9, and June 10, 1936, by H. P. Johnston, from Halsey, Nebr., A. G. Kime from Ashby, Nebr., J. M. Anthony from Lebanon, Nebr., Richard O. Ackerman from Gothenburg, Nebr., Ignatius H. Berens from Victoria, Kans., Fulton Gregg from Silverton, Tex., James Bennett, from Jennings, Kans., G. W. Crawford from Channing, Tex., H. B. Naugle from Stratford, Tex., H. B. Jennings from Olney, Tex., Emil Sorley from Plainview, Tex., Hall A. Looney from Idalou, Tex., S. E. Shore from Crescent, Okla., Frank Gue Cream Co., from Crawford, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was yeasty, moldy, cheesy, rancid, putrid, and decomposed and contained kerosene.

On June 13, 1936, the Gold Coin Creamery Co., of Denver, Colo., having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26272. Adulteration of cream. U. S. v. One 10-Gallon Can, et al., of Cream. Consent decrees of destruction. (F. & D. nos. 37856, 37860, 37864. Sample nos. 68087–B, 68092–B, 73911–B.)

These cases involved cream that was in various stages of decomposition.

On or about June 11, June 13, and June 22, 1936, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of three 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce in various shipments on or about June 9, June 12, and June 16, 1936, by Terry Carpenter, from Scottsbluff, Nebr., and charging adulteration in violation of the Food and Drugs Act.

A portion of the article was alleged to be adulterated in that it was rancid, cheesy, and decomposed; a portion because it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On or about June 11, June 13, and June 22, 1936, the Mountain States Creamery Co., Denver, Colo., the consignee, having admitted the allegations of the libels and having consented to the entry of decrees, judgments were entered ordering destruction of the product.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26273. Adulteration of cream. U. S. v. One 5-Gallon Can of Cream. Consent decree of destruction. (F. & D. no. 37857. Sample no. 68088–B.)

This case involved cream that was filthy and decomposed.

On June 13, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 5-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about June 12, 1936, by J. G. Dickinson from Moorcroft, Wyo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On or about June 19, 1936, the Capitol Hill Creamery Co., of Denver, Colo., having filed a statement confessing the allegations of the libel and having consented to the entry of an order of destruction, judgment was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26274. Adulteration of cream. U. S. v. Three 5-Gallon Cans, et al., of Cream. Consent decree of destruction. (F. & D. no. 37859. Sample no. 73910–B.)

This case involved cream that was filthy and decomposed.

On June 12, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cans of cream at Denver, Colo., alleging that the article had been shipped in various shipments in interstate commerce on or about June 9, 1936, by Paul E. Almquist from Wilcox, Nebr., Geo. F. Haas from Veteran, Wyo., by Curtis Roper from Fairmont, Nebr., by Frank Gue Creamery Co. from Crawford, Nebr., by E. W. White from Leoti, Kans., and by Clem Crim from Sunset, Tex., and alleging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was in whole or in part moldy, yeasty, putrid, filthy, and decomposed.

On June 12, 1936, the Gold Coin Creamery Co., of Denver, Colo., the consignee, having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26275. Adulteration of cream. U. S. v. One 5-Gallon Can of Cream. Consent decree of destruction. (F. & D. no. 37861. Sample no. 73913–B.)

This case involved cream that was filthy and decomposed.

On June 13, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 5-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about June 11, 1936, by W. C. Brose from Douglas, Wyo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was moldy, yeasty, putrid, filthy, and decomposed.

On June 13, 1936, Swift & Co. of Denver, Colo., the consignee, having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26276. Adulteration of cream. U. S. v. One 8-Gallon Can and One 5-Gallon Can, of Cream. Consent decree of destruction. (F. & D. no. 37862. Sample no. 73914–B.)

This case involved cream that was filthy and decomposed.

On or about June 13, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about June 11, 1936, by J. C. Dowda, from New Castle, Tex., and H. B. Schrank, from Aleman, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was moldy, yeasty, putrid, filthy, and decomposed.

On June 13, 1936, the Farmers & Merchants Creamery, of Denver, Colo., the consignee, having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26277. Adulteration of cream. U. S. v. Two 10-Gallon Cans of Cream. Consent decree of destruction. (F. & D. no. 37863. Sample no. 73915–B.)

This case involved cream that was filthy and decomposed.

On June 13, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court

a libel praying seizure and condemnation of two 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about June 12, 1936, by the Farmers Equity Coop. Station from Crawford, Nebr., and from Bridgeport, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 13, 1936, the Farmers Equity Cooperative Creamery Association, of Denver, Colo., having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26278. Adulteration of cream. U. S. v. One 5-Gallon Can, et al., of Cream. Consent decree of condemnation and destruction. (F. & D. no. 37870. Sample nos. 71102–B, 71103–B, 71104–B, 71105–B.)

This case involved cream that was filthy and decomposed.

On or about June 27, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cans of cream, in various sizes and lots, at Petaluma, Calif., alleging that the article had been shipped in interstate commerce in various shipments on or about June 22 and June 23, 1936, by Western Refrigerating Co., from Albany, Oreg.; Guy Haley, from Grants Pass, Oreg.; Valley Produce Co., from Roseburg, Oreg.; and Sher Kahn, from Eugene, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 29, 1936, the Western Refrigerating Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26279. Adulteration of cream. U. S. v. One 5-Gallon Can, et al., of Cream. Consent decree of destruction. (F. & D. no. 37871. Sample no. 73917–B.)

This case involved cream that was filthy and decomposed.

On or about June 18, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cans of cream at Colorado Springs, Colo., alleging that the article had been shipped in various shipments in interstate commerce on or about June 16, 1936, by A. S. Cone, from Lubbock, Tex.; E. P. Hahan, from Clarendon, Tex.; Western Produce Co., from Clovis, N. Mex.; Texhoma Produce Co., from Texhoma, Tex.; and R. Stringfellow Station, from Des Moines, N. Mex.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 18, 1936, the Hollywood Creamery Co. of Colorado Springs, Colo., the consignee, having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26280. Adulteration of cream. U. S. v. Five 10-Gallon Cans, et al., of Cream. Consent decree of destruction. (F. & D. no. 37872. Sample no. 73918–B.)

This case involved cream that was filthy and decomposed.

On June 20, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cans of cream at Colorado Springs, Colo., alleging that the article had been shipped in various shipments in interstate commerce on or about June 17, 1936, by R. Stringfellow Station, from Des Moines, N. Mex.; W. H. Emery, from Lubbock, Tex.; Texhoma Produce Co. from Texhoma, Okla.; and Mrs. G. Jarvis, from Almena, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On or about June 26, 1936, the Hollywood Creamery Co., Colorado Springs, Colo., the consignee, having filed a statement confessing the allegations of

the libel and having consented to the entry of a decree judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26281. Adulteration of cream. U. S. v. Five 5-Gallon Cans, et al., of Cream. Consent decree of destruction. (F. & D. no. 37873. Sample no. 73919-B.)

This case involved cream that was filthy and decomposed.

On June 22, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cans of cream at Trinidad, Colo., alleging that the article had been shipped in various shipments in interstate commerce on or about June 18, 1936, by Louis Olson, from Hereford, Tex.; Joe Friemel, from Canyon, Tex.; J. B. Lepe, from Canyon, Tex.; A. B. Briggs, from Moriarty, N. Mex.; Leo J. Neusch, from Amarillo, Tex., R. 3; J. L. Brooks, from Childress, Tex.; S. H. Garrison, from Idalow, Tex.; G. A. Bagley, from Seminole, Tex.; and A. J. Mattock, from Southland, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On or about June 24, 1936, the Trinidad Creamery Co., Trinidad, Colo., the consignee, having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26282. Adulteration of cream. U. S. v. 1 10-Gallon Can of Cream. Consent decree of destruction. (F. & D. no. 37874. Sample no. 73920-B.)

This case involved cream that was filthy and decomposed.

On June 22, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 10-gallon can of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce on or about June 18, 1936, by J. C. Dudley, from Abbotts, N. Mex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 22, 1936, the Independent Creamery Co., the consignee, Trinidad, Colo., having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26283. Adulteration of cream. U. S. v. Six 10-Gallon Cans, et al., of Cream. Consent decree of destruction. (F. & D. no. 37875. Sample no. 73921-B.)

This case involved cream that was in various stages of decomposition.

On June 24, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cans of cream at Trinidad, Colo., alleging that the article had been shipped in various shipments in interstate commerce on or about June 19, 1936, by Henry H. Hoff, from Syracuse, Kans.; R. C. Ridens, from Seminole, Tex.; S. C. Curry, from Goodlett, Tex.; J. R. Harvey, from Memphis, Tex.; R. V. Marek, from Seymour, Tex.; John F. Hurst, from Logan, N. Mex.; Neal White, from Woodward, Okla.; F. E. Stanfield, from Parnell, Tex.; H. Petts, from Snyder, Tex.; W. B. Walker, from Big Springs, Tex.; and Joe King, from Adrian, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was rancid, yeasty, cheesy, moldy, decomposed, and putrid.

On or about June 29, 1936, the consignee, the Trinidad Creamery Co., Trinidad, Colo., having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26284. Adulteration of cream. U. S. v. One 5-Gallon Can, et al., of Cream. Consent decree of destruction. (F. & D. no. 37876. Sample no. 73922-B.)

This case involved cream that was in various stages of decomposition.

On June 24, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court

a libel praying seizure and condemnation of two cans of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce on or about June 19, 1936, by R. A. Hamlin, from Bovina, Tex., and D. S. Harrell, from Quanah, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was yeasty, cheesy, moldy, and decomposed.

On June 29, 1936, the Independent Creamery Co., the consignee, Trinidad, Colo., having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26285. Adulteration of cream. U. S. v. Six 5-Gallon Cans, et al., of Cream. Consent decree of destruction. (F. & D. no. 37877. Sample no. 73828–B.)

This case involved cream that was filthy and decomposed and a part of which was contaminated with kerosene or gasoline.

On June 26, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cans of cream at Denver, Colo., alleging that the article had been shipped in various shipments in interstate commerce on or about June 23, 1936, by Paul Conarty, from Weskan, Kans.; Harley Cochran, from Border, Wyo.; P. H. Burmood, from Lewellen, Nebr.; Ben Moulding, from Wheatland, Wyo.; John Quanz, from Phillipsburg, Kans.; R. C. Vinson, from Dumas, Tex.; J. H. Sewell, from Tahoka, Tex.; W. D. Raley, from Pierceville, Kans.; and Adolph D. Eyer, from Syracuse, Kans.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance; and that a portion thereof contained kerosene or gasoline.

On or about June 29, 1936, the Gold Coin Creamery Co., Denver, Colo., the consignee, having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26286. Adulteration of cream. U. S. v. One 5-Gallon Can of Cream. Consent decree of destruction. (F. & D. no. 37878. Sample no. 73829–B.)

This case involved cream that was filthy and decomposed.

On June 26, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 5-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about June 24, 1936, by Sarah Alexander, from Basin, Wyo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 29, 1936, Swift & Co., of Denver, Colo., the consignee, having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26287. Adulteration of cream. U. S. v. Three 5-Gallon Cans of Cream. Consent decree of destruction. (F. & D. no. 37879. Sample no. 73830–B.)

This case involved cream that was filthy and decomposed.

On June 26, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three 5-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about June 24, 1936, by Hulet Brown, from Olney, Tex.; W. E. Curtis, Jr., from Elbert, Tex.; and W. C. McCallister, from New Castle, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On or about June 29, 1936, the Farmers & Merchants Creamery Co., having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26288. Adulteration of cream. U. S. v. Four 5-Gallon Cans of Cream. Consent decree of destruction. (F. & D. no. 37880. Sample no. 68089–B.)

This case involved cream that was filthy and decomposed.

On June 17, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four 5-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about June 13, 1936, by Fred Adams, from Rawlins, Wyo.; J. B. Jordon, from New Castle, Tex.; S. C. Kee, from Olney, Tex.; J. O. Jordon, from New Castle, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filty, decomposed, or putrid animal substance.

On June 17, 1936, the Farmers & Merchants Creamery Co. and Swift & Co., having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26289. Adulteration of cream. U. S. v. Four 5-Gallon Cans, et al., of Cream. Consent decree of destruction. (F. & D. no. 37881. Sample no. 73916–B.)

This case involved cream that was filthy and decomposed.

On June 17, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four 5-gallon cans and five 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about June 13, 1936, by C. J. Howard, from Veteran, Wyo.; O. M. Humphries, from Imperial, Nebr.; Jas. G. Swim, from Marysville, Kans.; M. F. Brestil, from Brady Island, Nebr.; Frank Gue Cream Co., from Crawford, Nebr.; James Bennet, from Lucerne, Kans.; W. A. McJimsey, from Silverton, Tex.; Merton Howe, from Lindsborg, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On or about June 19, 1936, the Gold Coin Creamery Co., Denver, Colo., having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the article be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26290. Adulteration of cream. U. S. v. Three 5-Gallon Cans of Cream. Consent decree of destruction. (F. & D. no. 37882. Sample no. 73731–B.)

This case involved cream that was filthy, putrid, and decomposed.

On June 29, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three 5-gallon cans of cream at Colorado Springs, Colo., alleging that the article had been shipped in interstate commerce on or about June 25, 1936, by W. B. Horn, from Governador, N. Mex., and Wm. Clore, from Syracuse, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On or about July 1, 1936, the Hollywood Creamery Co., of Colorado Springs, Colo., having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26291. Adulteration of cream. U. S. v. Four 5-Gallon Cans and One 10-Gallon Can of Cream. Consent decree of destruction. (F. & D. no. 37883. Sample no. 73832–B.)

This case involved cream that was decomposed.

On June 30, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four 5-gallon cans and one 10-gallon can of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce on or about June 26, 1936, by John H. Parker, from O'Donnell, Tex; John Powers, from Pedernal, N. Mex.; W. E. Christie (P. O. Hedley, Tex.) from Clarendon, Tex.; B. B. Christie (P. O., Hedley, Tex.) from Clarendon, Tex.; C. C. Jones, from Clayton, N. Mex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was rancid, cheesy, and decomposed.

On or about July 8, 1936, the Trinidad Creamery Co., of Trinidad, Colo., having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26292. Adulteration of cream. U. S. v. Two 5-Gallon Cans of Cream. Consent decree of destruction. (F. & D. no. 37884. Sample no. 73833–B.)

This case involved cream that was decomposed and that was also filthy or adulterated with oil.

On June 30, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 5-gallon cans of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce on or about June 27, 1936, by C. C. Crist, from Clayton, N. Mex., and G. O. Anderson, from Solano, N. Mex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was decomposed, putrid, filthy, or adulterated with oil.

On or about July 8, 1936, the Trinidad Creamery Co., of Trinidad, Colo., having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26293. Adulteration of cream. U. S. v. One 10-Gallon Can and One 5-Gallon Can of Cream. Consent decree of destruction. (F. & D. no. 37885. Sample no. 73834–B.)

This case involved cream that was decomposed.

On July 1, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 10-gallon can and one 5-gallon can of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce on or about June 28, 1936, by Ernest Hillock, from Gallup, N. Mex., and J. C. Heathington, from Clarendon, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was moldy, cheesy, and decomposed.

On or about July 8, 1936, the Trinidad Creamery Co., Trinidad, Colo., having filed a statement confessing the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26294. Adulteration of cream. U. S. v. Two 5-Gallon Cans and One 10-Gallon Can of Cream. Consent decree of destruction. (F. & D. no. 37886. Sample no. 3326–C.)

This case involved cream that was filthy and decomposed.

On July 8, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 5-gallon cans and one 10-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 1, 1936, by Ernest Kendrick, from Arvada, Wyo.; Vern Willoughby, from Coalville, Utah; C. H. Fairchild, from Belmar, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 8, 1936, the Gold Coin Creamery Co., Denver, Colo., having filed a statement confessing the allegations of the libel, and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26295. Adulteration of butter. U. S. v. 1 Cube, et al., of Butter. Decree of condemnation. Product released under bond. (F. & D. no. 37895. Sample no. 69835–B.)

This case involved butter that was deficient in milk fat.

On June 16, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 52 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 28, 1936, by Marwyn Dairy Products Corporation from Colfax, Wis., and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "Sunnyfield A & P Butter The Great Atlantic and Pacific Tea Co."; "First Nat'l Stores, Inc., Somerville, Mass."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On June 23, 1936, the Marwyn Dairy Products, Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought up to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26296. Adulteration of canned salmon. U. S. v. 1,899 Cases, and 4,041 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. nos. 38383, 38388. Sample nos. 22055–C, 22102–C, 22103–C, 22116–C.)

These cases involved salmon that was in part decomposed.

On October 6, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 5,940 cases of pink salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 11, 1936, by Premier Salmon Co., from Stevens Creek, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 16, 1936, the Premier Salmon Co., having appeared as claimant, and having consented to the entry of a decree, a consolidated judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it not be sold or disposed of in violation of the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26297. Adulteration and misbranding of olive oil. U. S. v. 6 Gallon Cans, et al., of Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 37455. Sample no. 62918–B.)

This case involved olive oil that was adulterated with tea-seed oil.

On or about March 26, 1936, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 gallon, half-gallon, quart, and pint cans of olive oil at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about March 3, 1936, by Moscahlades Bros. Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Marca Elefante Olio Puro D'Oliva Vergine."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength; and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements appearing on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: "Imported Virgin Olive Oil"; "Marca Elefante Olio Puro D'Oliva Vergine [design of olive branch] The olive oil contained in this can is pressed from fresh picked selected olives. It is guaranteed to be absolutely pure under chemical analysis and is highly recommended * * * L'olio di oliva che questa latta contiene, e prodotto da olive accuratamento scelte, e garantito di essere assolutamente puro sotto qualunque analisi chimica. Esso e altamente raccomandato tanto per uso da tavola come per uso medicinale. Imported from Italy."

The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On September 29, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26298. Adulteration and misbranding of canned tomato juice. U. S. v. 97 Cartons and 180 Cases of Tomato Juice. Product released under bond to be relabeled. (F. & D. nos. 37340, 37452. Sample nos. 60751–B, 65333–B.)

These cases involved tomato juice that was diluted with water.

On March 9 and March 24, 1936, the United States attorneys for the Western District of Washington and the District of Utah, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 38 cartons of canned tomato juice at Seattle, Wash., and 180 cases of canned tomato juice at Salt Lake City, Utah. On March 11, 1936, the libel filed in the Western District of Washington was amended to cover 97 cartons of the product. The libels alleged that the article had been shipped in interstate commerce by Stokely Bros. & Co., Inc., in part on or about June 1, 1935, from Oakland, Calif., and in part on or about June 19, 1935, from Melrose, Calif., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Stokely's Finest Tomato Juice * * * Stokely Bros. & Co., Inc. * * * Indianapolis, Ind."

The article was alleged to be adulterated in that water had been mixed and packed therewith so as to reduce or lower its quality or strength; and in that water had been substituted wholly or in part for the article.

The article was alleged to be misbranded in that the statement "Tomato Juice" was false and misleading and tended to deceive and mislead the purchaser.

C. P. Dorr, of Oakland, Calif., appeared as claimant in both actions. On July 29, 1936, the claimant having consented to the entry of a decree in the case instituted in the Western District of Washington, judgment of condemnation was entered and the court ordered the product released under bond to be relabeled. On August 8, 1936, the claimant having admitted the allegations of the libel in the remaining case, a decree was entered ordering that the product be released under bond for relabeling.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26299. Adulteration of canned salmon. U. S. v. 267 Cases of Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37770. Sample no. 71419–B.)

This case involved a shipment of canned salmon that consisted in part of a decomposed animal substance.

On June 1, 1936, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 267 cases of salmon at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about October 26, 1935, by the New England Fish Co., from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pillar Rock Brand Spring Pack Columbia River Fancy Chinook Salmon."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On July 9, 1936, the New England Fish Co., of Seattle, Wash., having appeared as claimant for the article and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond on condition that the product be segregated and reconditioned.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26300. Adulteration of dried peaches. U. S. v. 138 Boxes and 14 Boxes of Dried Peaches. Default decrees of condemnation and destruction. (F. & D. nos. 37831, 37832. Sample nos. 69439–B, 69440–B, 70253–B, 70254–B.)

These cases involved dried peaches that were insect-infested.

On or about June 26, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 152 boxes of dried peaches at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 17, 1936, by the Consolidated Packing Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Matador Brand Standard Calif. Peaches [or "Imperial Brand Extra Fancy Yellow Peaches"] Consolidated Pkg. Co. San Francisco, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On August 20, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 26176–26300

[1] Contains instructions to the jury.

U. S. GOVERNMENT PRINTING OFFICE: 1937